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SOME
R E M A R K S
ON THE
PRESENT STATE OF AFFAIRS;

RESPECTFULLY ADDRESSED TO THE
MARQUIS OF LANSDOWNE.

BY
LIEUT.-COL. MATTHEW STEWART.

SECOND EDITION.

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R E M A R K S.

Τῷ σε χρεὶ περὶ μὲν φασθαι ἔπος, ἡδ' ἐπακουσαι
Κρηναὶ δὲ καὶ ἀλλῶ, ὅταν τινα θυμὸς ἀνωγῇ
Εἰπεῖν εἰς ἀγαθὸν· σὺ δ' ἐξέται, ὅ, τι κεν ἀρχῇ·
Αὐτὰρ ἐγὼν ἐρεῶ, ὥς μοι δοκεῖ εἶναι ἀρίστα.*

THE changes which have taken place in the political views of the great Parliamentary parties which divide the country, is one of the most striking of the many proofs which may be given of the influence of names in uniting men long after the principles which the names denoted have undergone a complete alteration. This, no doubt, is partly owing to the influence of those connecting causes which induce those who have acted together for any specific purpose, to continue in combination for the pursuits of common objects of policy. The experience of the necessity of co-operation, in order to produce an impression on the affairs of a free state, and the insensible gradation by which public measures change their aspect, may lead men very conscientiously to promote at one time objects very different from those which they have resisted at others, and therefore the pertinacious maintenance of offensive party badges and distinctions is merely exciting useless animosities in society, and little better than cutting one another's throats about the colour of a Cameleon. The vital energy, and the very existence

* 'Wherefore it is peculiarly incumbent on you both to declare your own opinions, and to hear, and even to adopt, the advice of another, when the mind of any person prompts him to say that which is right. It will still be in your power to do as seems most expedient to you, though I shall state what appears to me to be best.'

of the British constitution, depends, however, so much on the maintenance of public principle in public men, that the estimation of society is very justly dispensed to those who figure in the management of its affairs very much according to the rectitude of their public conduct,—that is, to the consistency of the general tenor of the views which they support, or to the perfect purity from all suspicion of self-interest in the changes which their opinions may undergo.

Although, therefore, I no longer consider the words Whig and Tory as denoting the union of parties of men, arrayed against each other in support of those different views of policy which divided the nation in the days of Mr. Pitt and Mr. Fox, the integrity, the moral probity, the temperate wisdom, and the philanthropy of your Lordship's character, claim for you, and have secured to you, a greater weight with all the various parties professing the different shades of opinion, with respect to the liberal side of questions which have sprung from the old Whig confederacy, than any other individual now living; and as such I now presume to address you. According to the sense of the motto prefixed to these Remarks, it is well for you to hear what is to be said, as it will be in your power to exercise your own judgment, when I have stated the best views which have occurred to me on the present state of affairs.

Among the various subjects which now form the topics of discussion, that which most nearly, most immediately, and most deeply concerns us, is the views which have been started as to changes in the representation of the people. The aphorism of Lord Bacon, which has been so frequently quoted, can never be too often repeated as a caution on occasions like these,—that all innovations in the government of nations

should be effected in imitation of those silent and imperceptible permutations which result from the continued and insensible accommodation which time brings about in the practical operation of institutions to the changes which arise in the circumstances of the communities to which they belong*. May I be permitted to add, that the imitation should extend to the careful and scrupulous adaptation of the alterations to the changes which society is undergoing or has undergone?

The measures contemplated by those who call themselves reformers of any class and description, are of a nature, however, very different from this. The introduction of principles like those of univereal suffrage and of parliaments of shorter duration, are merely devices to bring the deliberative, legislative, and executive functions of government to a much greater extent under the control of the lower orders than they actually are, and would change entirely and at once the nature and operation of the whole government, and, if the change was permanent, the actual state of society. The term Reform has been grossly misapplied to such operations in a state as these.—In its usual acceptation it implies, and conveys the idea of, the correction or remedy of an abuse; and the consequence is, that all those who oppose themselves to such rash and sweeping innovations come to be represented as the patrons and supporters of all the evils of which the community have to complain. To the proper remedy of abuses no reasonable person will, I apprehend, be found to object—but before remedies

* *Quis novator tempus imitatur, quod novationes, ita insinuat, ut sensus fallunt?*

Novator maximus tempus; quidni igitur tempus imitemur—?

for abuses can be safely admitted and acted on, there are certain considerations to be attended to, *First* of all, It is to be observed, that, in order to establish a thing to be an abuse, it is not enough to show that an actual usage is a deviation from the original purport of the institution; it must be shown to be the immediate and active source of evil existing or contingent. *Secondly*, There is no panacea in politics any more than in medicine. There is no remedy that is equally applicable to all abuses, and therefore the remedy proposed for each abuse must be specific. *Thirdly*, Such is the unavoidable imperfection of all human affairs that there is hardly any unmixed good—and, least of all, in the arbitrary and conventional institutions of men. After, then, an abuse has been pointed out, it must be shown that it is not the necessary and inseparable concomitant of some advantage which more than compensates its injurious influence. *Fourthly*, It must be shown that the proposed remedy is not a mere experiment, and that it will be adequate to the removal of the evil, or, at all events, present a very strong probability of being useful. *Fifthly*, It must be shown that it is not operative in more ways than one—and that it will neither do more or go farther than can be calculated on, or bring any evil along with it as bad or worse than that which it is intended to correct. If a proposed measure of reform will stand a scrutiny by such criterions as these, it may, it would seem, be safely acted on. The gradual and successive and deliberate correction of abuses by such a process of examination as this, is among the highest and most important objects to which the legislative wisdom of a people can be directed—for it is in fact assisting nature, and accelerating the salutary process of innovation which time effects.

It is needless to examine the views of the Reformers by such rules as these, for it is evident that they will not stand the test of any one of them.—There is no indication of the previous abuses which they profess their ability to rectify—a remodelling of the constitution of Parliament is represented as the certain cure for all. It is impossible to ascertain the connection between the defects which they aim at destroying, and the advantages with which many of them may be allied. The changes to be introduced into the formation of Parliament (about the precise nature of which hardly any two of them are agreed) are a pure and most hazardous experiment on the principles of government—which can neither be shown to be adequate to the remedy of the evils of the times, nor reduced to any calculation, as to the nature or limits of its operation. Viewed in the only light in which it can be viewed, and reasoned about as a direct measure of reform, it must be taken as the proposed remedy for the defects, real or supposed, in the deliberative or legislative organs of the state; and the effect would be, as I have already stated, to bring the direction of the public councils and of public affairs much more under the influence of the lower classes of society; and by so doing, to produce not a reform of abuses, but a clearing away of all the obstacles to innovation, and a breaking down of all the bulwarks which the existing order of society affords to the constitution to which it has given rise. Such an operation on the government of a country is not reform, but tantamount to a revolution, if revolution means anything else than a change of dynasty, or in the persons of the rulers of nations; and a revolution not in aid of the provisions of nature, but tending directly to their subversion. The principles which give rise to Government, that is,

the circumstances which render mankind sensible of its benefits, and which teach them to submit to it, and the principles which determine its forms, are different, and different in kind. The evils of anarchy, and the experience of the inconvenience arising from the want of security to persons and to property, and of a power of direction for the common concerns, are the invariable motives to union and submission*; but the forms and institutions are influenced by two causes; first, by the circumstances in the condition of mankind, which determine the sources of natural power which spontaneously spring up in it, and to the exertion of which individuals apply for protection, and for the redress of their wrongs;—and, secondly, from the influence which human wisdom has acquired, and the manner in which it acts, in fashioning the state of society according to the best lights which a people have acquired. In every case, however, a provision is made by nature for government, and its institution is rendered possible, by the necessary existence of a variety of sources of power in the unavoidable disparity of condition to which mankind are doomed. While the human race are left dependent on the sweat of their brow and the dexterity of their hands for the maintenance of life, and the supply of their various wants, the time of by far the larger part of the community must necessarily be consumed in the laborious and unintellectual occupations of manual labour. In proportion to the supply of food which the soil and climate of any country will yield in return to a given quantity of labour, and in proportion to the skill which a people have acquired in the application and abridgment of the processes of industry, the relative number of those who are required to supply

* *Utilitas communis maximum societatis vinculum.*—*Livy.*

the common wants will be diminished, and the number of those who are left in possession of the command of their own time will be increased. It is from this latter class that nature has evidently intended that the means of directing the common affairs should be supplied. The bodily strength, the physical power of all men are naturally nearly equal, at least no man could subject many individuals to his will by the mere influence of superior bodily strength, for the strength of two or three ordinary men is more than a match for the strength of the strongest; but in proportion as any man can induce a number of individuals to place their strength at his disposal, to exert their power in obedience to his will, he acquires political influence and superiority among his fellows. By the unalterable destiny of man, the *permanent* means of acquiring this ascendancy are almost exclusively assigned to that portion of every community who are not devoted to the laborious avocations of life, and to this part of a population, accordingly, is almost entirely confined the contention for political power. The multitude may be induced to side with this leader, or that leader, in different proportions, and by various motives, but they are all alike themselves destined to be led, and to be the instruments of the designs of others;—and the arrangement is characterized with the usual wisdom of nature; for among the classes of society whose physical wants are supplied by the labour of others, must inevitably be found whatever knowledge and reflection and experience in the conduct of affairs a people may possess. That they should not be permitted to lead the community for their own selfish and interested purposes, is indeed most evident; but although such may be the ends for which political power is first sought and exerted, yet a little experience soon pro-

duces the introduction of some arrangements more or less perfect, to bring the direction which they are to give to public affairs in some degree under the influence of the common interests, and inspires public men with a more generous ambition, and the love of a more exalted and nobler fame.

In as far as Government is subservient to the pursuit of the public prosperity and welfare, this is the nice problem to solve in the formation of its institutions—To concentrate in the deliberative function of the state all the intelligence of the community,—to secure to it the guidance of the national councils,—and to keep it steadily in its object to the furtherance of the public weal. It is needless to enter into an examination of the devices which have been, and which may be, resorted to for this purpose. None have as yet been found more efficacious in practice than those which the institutions of this country provide;—an identification in the sources of the prosperity of the whole community—unexampled facilities and motives to the diffusion of knowledge—and a representation in the composition of the legislature of all the orders and interests of the state. In order to justify changes in any degree, such as those proposed to be introduced, it should be clearly shown that the existing institutions are responsible for, and have been the sources of the evils which the people endure. But these evils resolving entirely into the pressure of the times and the stagnation of industry, are the result, not of the institutions, but of the policy which has been pursued; and the history of that policy is a remarkable proof of the utter inexpediency of giving further weight to the popular voice in the direction of affairs. We are now paying the penalty of a war policy, and expenditure of unexampled extravagance; but the very ex-

travagance of the expenditure circulated large sums among the people, and produced all the appearance of unusual prosperity; and the multitude, who are incapable of looking to distant consequences, and who judge always by the experience of the immediate effect, supported the views of those at the head of affairs, at last almost by universal acclamation. I appeal to those in whose memory the events of the times must be fresh, if it was not in general estimation considered a just and necessary war—a glorious war—a war for the salvation of Europe. I appeal also to the prophetic speeches of Fox and of the Whig aristocracy, who stood forward in vain to defend the real interests of the people against the rashness of ministry, and the infatuation of the nation at large. The invariable answer was, that it was a war, the benefits of which posterity were to enjoy, and that it was therefore just to anticipate the resources of posterity; and the present generation are, accordingly, experiencing the benefits of that bargain which has been made for them by the last. We have here a striking proof of the effect of the unity of interest in the nation, and the natural and proper action of the intelligence of the community, and of the blindness of the great mass of the population to those permanent consequences on which the prosperity of the country was to depend. A large proportion of the aristocracy, and, with rare exceptions, the mass of the talent of the country, abandoned by the people, was arrayed against the court and the ministry of Mr. Pitt; and, it is needless to add, arrayed in vain. Loan succeeded loan; expedition followed expedition; one subsidy afforded a tempting inducement to our auxiliaries to stipulate for another; and we are accordingly enjoying the consequences of this profusion. So far, therefore, from its

being the fact, that the popular voice is of no avail in the direction of the public concerns, there is not an instance in which it has been long steadily and decidedly exerted, that it has not prevailed in the end over every other interest in the state. In the case of the Trial of the Queen, it foiled both the interest of the Crown, and the utmost exertions of a powerful ministry. It has emancipated the Catholics, and introduced more liberal views of judicial legislation and of Church Government than could have been brought about by any other means; and if, unfortunately, it continues to lend its impulse to such a purpose, I doubt not it will bring about some most dangerous and hazardous experiments upon government, under the name of Reform.—I trust, however, the people of England will be wiser.—I trust they will see the extreme liability of all numerous bodies of men to sudden impulse, and the manner in which deliberation becomes difficult in proportion to the number of those by whom questions are to be discussed, and some approximation to a common opinion formed by their combined reflection.

It has been well remarked, that it was only necessary for enlightened and unprejudiced men to continue to converse together every day, to become all of one way of thinking,—that is to say, for all of them to discover the truth; but to do this they must have sufficient education, to be susceptible of philosophical inquiry, and to be in some degree cured of a bigoted adherence to preconceived errors. An assembly of men possessing these qualifications, or an approach to such qualifications, is only to be formed by a selection in any community; and, as the numbers increase, the interchange and communication of thought necessary to elucidate the sound from the

plausible ideas that may be started, will become more tedious and difficult. It is in subjecting the councils of nations to such a process as this, that the use of public deliberative bodies consists, in as far as their aim is to secure the wisdom of the conduct of affairs; and it is plain that it is a function of government that can never be successfully exercised by a people at large, and must therefore be assigned to a select part of the population, who may be empowered to consult together, and take measures for the public welfare. In order to render the deliberative function as advantageous as possible in its effects, the requisites in such a body evidently are, as I have already stated, the concentration of the greatest degree of intelligence, and the best security that can be devised for its unbiassed exercise for the general benefit. The knowledge of the principles of government, and of the complicated relations of human affairs, necessary to form an enlightened and philosophical statesman, cannot be acquired without some study and great reflection. Men brought up in the active business of life often acquire a dexterity in carrying into effect their measures, which the mere speculative politician does not possess, and conduct themselves very cleverly in the management of any particular transaction; but the large and governing views of policy, which are to be discovered by the perception of remote consequences, their dependence on their causes, and the means by which the course of events may be influenced, require the exercise of an intellect of a wider and more comprehensive range; and accordingly, Lord Bacon has remarked, with his usual sagacity, that ‘Expert men can execute and judge of particulars, one by one; but that the general counsels, and the plots, and the marshalling of affairs come best from those that are

‘learned.’ Even in the time when this great judge of human affairs lived, when learning consisted of little more than the subtleties of the schools, there was reason for this remark, because there is scarcely any species of intellectual tillage, how defective soever, that will not give a superiority to the man who possesses it over the great majority of those whose minds have been left to their unaided efforts—that will not quicken his apprehension and give him a command of ideas unknown to the untutored peasant. But if this remark was true, with respect to the learning in use in the days of Lord Bacon, it holds with far greater force in the present age of the world, when a liberal and manly philosophy has directed the reasoning powers of the species to the great principles of government, of legislation, and of policy. It has most justly been remarked, ‘that when theoretical knowledge and practical skill are happily combined in the same person, the intellectual power of man appears in full perfection; and fits him equally to conduct, with a masterly hand, the details of ordinary business, and to contend successfully with the untold difficulties of new and hazardous situations.’ This happy combination, which but rarely occurs in an individual, may, however, be secured, at least to all useful purposes—in the composition of a national council—not indeed by a mere fortunate selection and nice discrimination in the character and qualifications of those of whom it is to be composed, (for such a power of discrimination and appreciation, even in an individual, is of rare occurrence, of precarious result, and impossible to be exercised by any organ of government which could be devised;) but by so adapting the mechanism of the national institutions to the existing relations in society, as to bring all the dif-

ferent interests to bear on the effect, and to ensure a competent share of all the speculative wisdom, practical information, and executive skill, which the community can contribute. I believe that no person well acquainted with this country will dispute that this end is very effectually attained at present in the composition of the Houses of Parliament : and furthermore, a great variety of other causes conspire to remedy any defects which may arise in this result, from the unavoidable imperfections in the operation of all political institutions. ‘ The nature and spirit of a government, as it is actually exercised at a particular period, cannot always be collected ; perhaps it can seldom be collected from an examination of written laws, or of the established forms of a constitution. These may continue the same for a long course of ages, while the government may be modified in its exercise, to a great extent, by gradual and indescribable alterations in the ideas, manners, and characters of the people, or by a change in the relations which the different orders in the community bear to each other. In every country whatever, besides the established laws, the political state of the public is affected by an infinite variety of circumstances, of which no words can convey a conception, and which are to be collected only from actual observation.*’ This remark, as to the operation of society itself upon government, its evident effects on its own institutions, and on the direction of its affairs, never was more strikingly displayed, or resulted from the combined influence of causes more numerous, more complicated, or more difficult to trace and to assign than in this country. It is scarcely too much to say, that there is hardly an

* *Philosophy of the Human Mind*, by Dugald Stewart, Part I. chap. 4, sect. 8, p. 242.

interest, however trifling, or an active principle, however imperceptible, that does not in the end produce some effect on the national councils. In every community it is the energies of society itself that must animate its positive institutions, and as these energies change, or decline, or increase, it will animate them differently, and with greater or less force ; but independent of this vivifying influence of society on the *constitution of government*, it acts in a great variety of ways *on the result of government*, in a manner, as it were, collateral, and in addition to its public organs. In two great respects, this is particularly conspicuous in our own affairs : First, in the immense contribution of light, of intelligence, and of experience, which society itself is daily and hourly affording in aid of the legislative wisdom of Parliament ; and secondly, in the prodigious influence which public opinion has acquired in shaping the result of its deliberations, not only by carrying that of its members along with it, but in the expression of a wish which they find themselves compelled to respect. From the unrestricted nature of social intercourse, multitudes of persons who have no vote in either of the legislative bodies, are constantly throwing out ideas in conversation, and contributing to fashion the judgment which is ultimately to be pronounced on public questions by those who have. There is, besides, hardly any great practical question which occurs with respect to public affairs, in which many individuals are not directly consulted by ministers, by leading members among their opponents, or directly brought before one of the Houses of Parliament to undergo an examination on subjects with which they are known to be conversant. And above all, from the freedom of the press, and the prevailing activity of the human intellect, a vast supply of thought

and of fact, and of suggestion, is continually afforded as a contribution to useful knowledge, or to stimulate the reflection of others. From similar causes, the controlling influence of the general opinion comes to be as efficient as its power of direction; insomuch that there is hardly any question on which the public voice continues to be sufficiently, pertinaciously, and generally pronounced, that it does not overcome all opposition in its effect on government.—I cannot see in what respect a greater popular influence on the direction of affairs could be desirable.—It is surely in every way, and for the most obvious reasons, important, that, if the prevailing voice beyond the walls of the senate and the council chamber is to have the effect of ultimately interposing an authority in the determination of questions, every precaution should be taken to ensure its going on good grounds, before it becomes too imperative to be resisted; and that it should be long and decidedly, as well as loudly pronounced, before it is acknowledged to be the voice of the nation. The instability and mutability of opinion among the multitude, and among all assemblies of the people*, has been the remark of all writers and speakers in every free state of antiquity where their opinions exerted any influence. But this is not all:—the ignorance and want of discrimination of the great bulk of mankind—their poverty of idea, and the little fa-

* ‘Quod enim fretum,’ says one of the greatest champions of law and liberty, ‘quem Euripum tot motus, tantas, tam varias habere putatis agitationes fluctuum, quantas perturbationes et quantos æstus habet ratio comitiorum? Dies intermissus unus, aut nox interposita, sæpe perturbat omnia; et totam opinionem parva nonnunquam commutat aura rumoris. Sæpe etiam sine ulla aperta causa fit aliud atque existimamus, ut nonnunquam ita factum esse etiam populus admiretur, quasi vero non ipse fecerit. Nihil est incertius vulgo, nihil obscurius voluntate hominum, nihil fallacius ratione tota comitiorum.’—*Cic. pro Murena*, 17.

Nihil tam incertum nec tam inæstimabile est, quam animi multitudinis.—*Livy*.

miliarity in their habits of thinking with such subjects, —disables them from perceiving the total inadequacy of the expedients proposed to the purposes they are intended to answer; or how far the changes recommended fall short of the excellence they are represented to possess. If a measure has but a portion of good, or the semblance of good, it passes with them for perfection. In delicate questions of government, of civil right, and of legislation, they are as little capable of giving a judgment, as they are of relishing the beauties or detecting the defects of the nobler productions of the painter or the sculptor. ‘Cum
 ‘ autem,’ says Cicero, ‘ aliquid actum est, in quo media officia compareant, id cumulate videtur esse perfectum; propterea quod vulgus, quid absit a perfecto, non fere intelligit: quatenus autem intelligit, nihil putat prætermisum, quod item in poematibus, et picturis usu venit, in aliisque compluribus, ut delectentur imperiti, laudentque ea, quæ laudanda non sint, ob eam, credo, causam, quod insit in his aliquid prohi, quod capiat ignaros, qui iidem, quid in unaquaque re vitii sit, nequeant judicare.’ I hope the rest of his opinion may be equally applicable to the people of this country. ‘Itaque cum sunt docti a peritis, facile desistunt a sententia*.’ Unfortunately, among us every person thinks himself qualified to judge of the most difficult and abstract questions connected with the structure and operation of human society, because every man is entitled to form an opinion on all public affairs. But this rashness and presumption of ignorance is one of the strongest reasons for keeping the deliberative function of the state sufficiently clear of its influence, to prevent it from taking the guidance of the nation, and either forcing the le-

* De Officiis, iii. 3.

legislature on pernicious measures, or thwarting and preventing every line of policy, the ultimate result of which it cannot foresee. All the views of the reformers evidently tend to this effect ; to render the members of the Commons House of Parliament more amenable to their constituents, and, by giving to the lower classes of society a larger share in the privilege of nomination, to reduce them to a complete dependence on the people. To borrow a political illustration from the Hindoos (among whom knowledge and acquirement are pretty generally distributed, according to their fanciful distinction of castes): ‘ Such a government,’ say they, ‘ is like a man attempting to walk on ‘ his head, and think with his feet*,’—subverting the functions for which nature has adapted the members of his frame,—thrusting his intellectual faculties out of their appropriate office, and subjecting them to the blind operative strength and unthinking activity of the limbs. Providence, as I have already endeavoured to explain, by creating a necessary and inevitable diversity of human condition, has given rise to a natural distribution of the functions of social life, and instituted a division of labour in this as in all other things. By combining in the same classes of society the command of leisure and the sources of natural power, and rendering them peculiarly subject to the influence of ambition, of the love of excellence, and of mutual emulation, it has evidently been the intention of nature that they should supply the means of directing the concerns, and of promoting the improvement, of the communities to which they belong.

The only argument which appears to me to possess any plausibility or semblance of cogency in favour of any part of the views of the reformers, is that for the principle of universal suffrage, which proceeds on

* They apply it to a government in which a Sudra is king.

the theory of the constitution, which holds every man to have assented, either personally or by an authorized agent, to the public measures, and consequently infers, that those who do not actually constitute and empower a representative to assent in their behalf, are not to be held bound as parties to the acts of the legislature. But the force of this argument will be found to be more imposing than real. I have already had occasion to remark, that the actual practical operation of every government differs in many respects from its abstract theoretical principles, and, it may be added, must in many cases differ from them, in order to give effect to those very principles,—in order to give a substance to what otherwise would be a shadow, and to bring about the ends which the principles of the constitution aim at fulfilling. This assent, it may be observed, is at the best a pure fiction of the law, and of no practical value or consequence whatever; the representatives of the Commons do not constitute an executive power formed to carry into effect the will of their constituents, but a body appointed to take counsel for their benefit, according to the best lights of their understanding; and if they do their duty manfully and conscientiously, can no more submit their judgment to the dictation of their constituents, than a lawyer his opinion to that of his client, or a physician his practice to the morbid inclinations of his patient;—and they must, therefore, in the faithful fulfilment of their trust, often enact laws and take measures not only without the assent of their constituents, but directly in opposition to their declared wishes. It is rare even that the acts of the legislature are unanimous; they are frequently carried against powerful minorities, and in the teeth of recorded protests to the objectionable nature of the decision,—yet all these acts are held, and justly, to be the collective will of

the nation,—the whole arrangement being a mere piece of political mechanism, to obtain the best and most unprejudiced and disinterested decisions upon public questions that the lights of the community will allow.

This end, it is manifest, would be completely sacrificed if every man had the privilege of nominating directly the individual to whom he was to delegate the right of assenting in his behalf to the public acts. By far the greater proportion of such nominees would be in all probability very little qualified for the purposes of legislation. The numerical majority of every community are not only incapable of estimating the intellectual endowments of men, but, being left to exercise this right of franchise, destitute of the influence of those causes which give at present a preponderance to certain classes of society in the election of representatives, they would distribute their suffrages with very little reference to the importance of the several interests which, united, form the national interest. In those rude states of society in which the principles of constitutional monarchies had their origin, the objects of deliberation were of little consequence,—the right of assent was everything. A popular leader, when he was about to undertake an enterprise, set about a canvass for those who would become parties to it, as in later times adventurers would beat up for recruits. Society had instituted no permanent sources of power in the hands of any man, and the authority was created by the act which approved the purpose for which it was to be used*. In

* *Insignis nobilitas aut magna patrum merita principis dignationem etiam adolescentulis assignat. Ceteris robustioribus ac jampridem probatis aggregantur, nec rubor inter comites aspicitur. Gradus quinetiam et ipse comitatus habet, judicio cujus quem sectantur. Magnaque et comitum æmulatio, quibus primus apud principum suum locus: et principum, cui plurimi et acerrimi comites. Hæc dignitas, hæc vires, magno semper electorum juvenum globo circumdari, in pace decus in bello præsidium.*—*Tacitus de Moribus Germanorum.*

To illustrate further the close analogy between the principles of limited mo-

the progress of the improvement of these governments, and the development of these principles, all civilized societies have found it indispensable to constitute a permanent executive power; and the great object of the institutions of government has accordingly become to give the best possible direction to the measures it is to be employed to carry into effect.

Despotisms may be of two kinds: Despotisms, properly so called, where mankind are enslaved by a despotic and uncontrollable power, founded on a general recognition of a proprietary right in the sovereign to the soil, as in the governments of Asia—and Military Despotisms, where men are enslaved, as in the Roman Empire, by the pressure of an armed force; the general interest of the military establishment in the common welfare, as citizens, being suspended by one or other of various causes which it is

narchy in the ancient German tribes, and the institutions in which, in modern times, they have been embodied, I avail myself of the following quotations from the excellent work of Mr. John Allen, on the Royal Prerogative.

‘Nec regibus infinita aut libera potestas (Tacitus, 7).’ They governed ‘*auctoritate* suadendi magis quam jubendi *potestate* (ib. 11).’—‘Sua esse ejusmodi imperia, ut non minus haberet juris in se multitudo quam ipse in multitudinem (Cæsar de B. G. 5, 27).’—‘In pace nullus est communis magistratus; sed principes regionum et pagorum inter suos jus dicunt, controversias minuunt (ib. 6. 23).’ ‘De minoribus rebus principes consultant, de majoribus omnes; ita tamen, ut ea quoque quorum penes plebem arbitrium est, apud principes pertractentur. Considunt armati; Rex, vel princeps, prout ætas cuique, prout nobilitas, prout decus bellorum, prout facundia est: audiuntur: * * * si displicuit sententia, fremitu aspernantur. Sin placuit, frameas concutiunt: licet apud concilium, accusare quoque et delictum capitis intendere. Eliguntur in iisdem conciliis et principes, qui jura per pagos vicosque reddunt. Centeni singulis ex plebe comites, consilium simul et auctoritas, adsunt (Tac. 11, 12). Duces ex virtute sumunt. Duces exemplo potius quam imperio, si prompti, si conspicui, si ante aciem agant, admiratione præsumunt. Cæterum neque animadvertere, neque vincere, neque verberare quidem, nisi sacerdotibus permissum: non quasi in pœnam nec ducis jussu, sed velut deo inspirante, quem adesse bellatoribus credunt.’—(id. 7.)

‘The popular assembly which Tacitus calls *Concilium*, was termed by the Franks *Mallum*, or *Mahl*; by the Scandinavians, *Thing*; and by the Anglo-Saxons, *Gemot*.’—Inquiry into the Rise and Growth of the Royal Prerogative in England, by John Allen. Longman, Rees, Orme, and Co. 1830.

not necessary to stop to enumerate, and lost in the partial interest which attaches them to the fortunes of the prince whom they serve. In a monarchy where there is no coercing power of either description, it is obvious that the executive power is constituted by the voluntary obedience of the people. If a people who are not restricted by any controlling influence remain quiescent under their government, it is a continued and tacit assent to the existence of the power which directs their common measures. The inhabitants of a country may be induced, it is true, to remain satisfied with very defective governments, from the inveterate influence of custom, from ignorance, and from the want of the existence in society of those principles which give a people a quick and sensitive apprehension of whatever thwarts their real interests; —but throughout Europe there wants little in all its kingdoms but the diffusion of knowledge, which no human power can arrest, and a sufficiently numerous class of the population engaged in active industry and the pursuit of gain, to render whatever affects the employment and profit of capital a national concern, as it is with us; to force upon their rulers institutions not materially differing in principle from ours. In our government, where much prudence and wisdom has conspired with much experience in developing and giving effect to the principles of limited and constitutional monarchies, the dependence of the executive power of the state on the will of the people is kept continually in view, the formal assent of the nation to its continuance being required every year by the votes for the supplies. In countries which have made any moderate progress in civilization, the multiplicity of their concerns, and the necessity of the continued dispatch of business, make it impossible that society should tolerate any interruption in the

exercise of the executive power. Excepting, therefore, in those extreme cases where the inhabitants of a country are on the eve of an open rupture with their rulers, few ever dream of questioning the expedience of supporting the administrative functions of the state—the promoters of pernicious measures may be thrown out of office or brought to punishment—demands on the part of the people may be made with irresistible force for a change of measures—any means may be taken for giving a different direction to the exercise of the common power, and the use made of the common resources; but the constitution of this power, or the contribution of these resources, every person must feel to be indispensable to the preservation of the public safety and interests.

While the people thus possess the power of suspending and even annihilating the executive power of the nation by withholding their assent to its continuance, and while it is manifest that this power should not be exerted but in the most extreme cases, the general tranquillity of the state, and the unquestioned continuance of the supplies by the representatives of the commons, must be taken as undoubted proof of the concurrence of by far the majority of the nation to its permanence.—The argument, therefore, that every man who does not vote for the election of a member of parliament is not an assenting party to the public acts, may be well calculated to influence the passions of the multitude, and to irritate the sense of self-consequence among the lower orders, but is either brought forward intentionally for such sinister purposes, or, if it is urged with good faith, evinces in those who use it a very superficial acquaintance with the principles of representative government.

When men thus find the necessity of constituting a permanent executive power in the state, and have

discovered the means of rendering it at all times dependent on their voluntary support, it may safely be trusted, under a sufficiently vigilant superintendence, with that degree of discretionary latitude in the selection and conduct of particular measures which is indispensable for the success of the ends of government. Many measures depend entirely on secrecy for the possibility of their accomplishment ; many measures arise out of the moment of urgency, in such a way that they cannot be justly appreciated at the time they are brought forward. Many measures are merely provisional, and a prelude to others ;—and the consequence is, from the complication of national policy, that it is rather to the general tenor of affairs at which public men aim, and the objects they are pledged to fulfil, that the support of the community is afforded, than to each specific act of the administration as it arises. This, it must be evident, is absolutely necessary to the fulfilment of the practical duties of government in such a country as ours ; a liberal confidence must be secured to the ministry, while it is trusted ; or till, by the opposition made to its measures by the reflecting part of the community, as evinced in the votes of parliament (which must and ought to be the test of this point), it is rendered evident that it has lost the confidence of the nation, and no longer possesses the influence over public opinion necessary to conduct its affairs.

The argument, then, is perfectly nugatory.—It is an argument founded on theoretical principles, which are entirely satisfied in another and a much better way than that by which it is proposed to render their operation more palpable and evident.—One would suppose that some inconvenience, some injurious disability, or some degrading distinction, was affixed to certain classes of the population by the laws which at present

regulate the exercise of the elective franchise. But there is no honest advantage to be made of this privilege; for unless the clamourers for reform actually want to make money of the more extended right of suffrage, and to come into the market to sell their votes, it must be a perfectly unprofitable right to those who may possess it. The law excludes no class of men; it merely limits the exercise of a particular function to men placed in certain circumstances, in which it is open to all to place themselves; and very many opulent persons neither possess the privilege nor care to acquire it. If there is corruption in the present elections, it is undoubtedly an evil. It would unquestionably be better if men could be found who would vote entirely without any bias but a disinterested conviction that the individual whom they supported was the best fitted to serve the public in parliament. But such materials for the constitution of political associations are to be met with nowhere but in the visionary creations of some Eutopian theorist, unless it may be

*Apud Fustitudinas Ferricrepinas Insulas,
Ubi vivos homines mortui incursant boves*.*

Practical statesmen, who must deal with men as they are, will find cupidity and venality, and want of principle, to be vices inherent in human nature, more or less prevalent in all numerous communities, and especially where there is great disparity of condition, where there are many who possess not the enjoyments of the affluent, and many who are ready to purchase the subservience of the needy from their abundance. These are evils which never can be expected to be completely cured. They can only be diminished by the increase of knowledge and the increase of virtue; the growing conviction of the meanness of such acts to both the parties who practise them, and the experi-

* Plautus.

ence that, for a trifling pecuniary advantage, the electors are sacrificing the permanent interests of the whole nation, as a part of which they must themselves suffer. But it is for the reformers to show, that there would be less corruption in elections, by exposing to its influence a much larger mass of poverty, and more wisdom in the legislature, by bringing both its formation and measures more under the direction of a much larger proportion of ignorance. Large bodies of men, when excited by the perception, or supposed perception of some common good, are capable of making the most virtuous resistance to the ordinary temptations to which they yield ; but, in the long-run, the conduct of numerous classes of people will be swayed by the influence of the general causes to which they are subjected ; and, in proportion as there is more temptation, and more poverty, and more ignorance, there will be more corruption and less judgment in elections.

Such a distribution of the elective franchise as circumstances has produced in this country, reducible to no rule, and, consequently, offensive to no class of people,—limiting the exercise of the privilege to certain individuals, yet excluding no person from acquiring it—restricting the number of votes within bounds which renders the collection of the suffrages no great inconvenience, yet including a sufficient mixture of all classes in the community to satisfy the poorer orders that no disrespect is meant to poverty—insuring in a great degree a very judicious selection of candidates, yet allowing the mass of the nation to decide on their fitness—is productive in practice of such a combination of advantages as it would be difficult to produce from the speculative simplifications of any reformer.

If, as I have endeavoured to show, the assent of the nation to the public measures is to be collected from

the general results of the constitution, and not from any organ giving expression to their specific concurrence in every measure, the constitutional functions of the Houses of Parliament are, in as far as affects this question of reform, twofold. First of all, and chiefly, to provide a deliberative council to shape to the best advantage the acts of the community ; and, secondly, to insure the means of influencing the bulk of the nation to a submission to those measures which the wisdom of parliament has devised for the common benefit. In the former of these respects, the method of subjecting the public measures to the scrutiny of a double council before they pass into a law (the one composed of representatives sitting for a limited period by the choice of the nation, and the other of men possessing a more permanent and independent right of passing an opinion on the public affairs) has been justly considered so happy a device, that it has formed the basis, in other nations, of all subsequent attempts at improvement in the legislative organs of government, and may therefore be considered a most wise precaution against the precipitation with which those who may be supposed to be urged chiefly by the experience of actual consequences are apt to hasten to short-sighted conclusions. In order, however, to render the Upper House a useful instrument in forwarding the national interests, it is absolutely necessary that, although its members be sufficiently removed from the pressure of present difficulties, or the temptations of present advantage, and from all personal consequences or responsibility to constituents for the exercise of their judgment, that they should have a clear perception of the identification of their permanent interest and consequence with the welfare of the community to which they belong.

With regard to the second function of parliament,

that of carrying along with it the concurrence of the nation, it is to be observed, that the Upper House represents an influence once omnipotent, though now extinct, and is, in this respect, next to useless. The rise of other sources of wealth—the acquisition of a vast proportion of the land of the nation by commoners—and the perfect independence of the tenantry upon the landlords, have long extinguished every vestige of the despotic authority which the feudal barons exerted over their vassals, and have rendered the influence of the members of the House of Peers over others no greater than that of any similar number of men of equal possessions. It is this function of parliament, as the means of ascertaining what the nation will submit to, and of inducing its submission, that constitutes the great foundation of the power of government, and this function is almost entirely confined to the House of Commons. In whatever way the representatives may be returned, while the election depends on a competition of influence, the same influence that secured their nomination will continue to enable its members to react in the gross on the population in swaying opinion, with a force to which all other sources of authority will be trifling. While the real power of the nobility as a separate class in the state has thus declined—the consequence of wealth, of talent, and of official situation, the frequency of intermarriages with the commonalty, and, above all, the great increase of numbers, have brought them much more on a level, in public estimation in point of dignity, with the rest of the population, and blended their interests in a much greater degree with those of the rest of the nation. From this decrease in the power of the House of Lords, and the multiplication of the ties which connect its members with the com-

mons, the consequence has been, that whatever influence individuals of the Upper House may possess, is exerted in determining the return of members for the Lower. Circumstances have thus very happily come to exert a compensating effect in preserving in some degree the operation of the effective principles of the constitution, by partially violating its theoretical forms. By this means the nobility come to be represented along with the other interests of the nation in the House which has concentrated the whole power of the state, according to the personal influence of its members with the community ; by individuals of their own families, or by friends ; and from no source, in the history of the nation, have men of better talents, or of more earnest zeal for liberty, been drawn. This consequence has an effect, in two ways, in harmonizing the operation of the constitution. First of all, it tends to preserve the consequence of the Upper House, and to give additional authority to their decisions, as manifesting the opinion of many influential men ; and, secondly, it breaks the collision between the Houses when they come to differ in opinion, by enabling the sense of the Upper in some degree to operate in modifying the votes of the Lower, and by neutralizing the feeling of hostility which on such occasions might arise, by infusing a proportion of elements likely to be of the same opinion in both. This weight of influence, and this approximation of interests, between the two houses of legislature, is essentially necessary to the functions they have to perform, as the deliberative body in such a constitution and state of society as ours. Were they to be reduced to the condition of a mere council, to advise the best measures for the common good, without any means to render their resolutions obligatory on the community, their delibera-

tions would not be worth much* ; and were it possible to sever the nobility from the influence which many of the body exert on the selection and temper of the representatives of the commons, they would either sink into contempt, or the resolutions of the two Houses would be at frequent variance.

In this way the views of the reformers would ruin, it is apparent, the legislation of the country altogether. The measure which they would apply to the Commons House of Parliament would destroy the consequence of that of the Lords, and render it perfectly nugatory as a means of subjecting the proceedings of the Lower Chamber to a revision ; and the Commons, while it was freed entirely from this check, would be reduced to the condition of a mere organ to carry into effect the sovereign will of the most ignorant and precipitate part of the community. When both the lights of the nation had been thus put out, it would not be long before such calamities and confusion were brought on the country as would effectually sicken the people with their advisers ; and the nation would probably be disposed to cry out with Samson, ‘ O Lord God,

* ‘ Il y a toujours dans un état,’ says Montesquieu, ‘ des gens distingués par la naissance, les richesses, ou les honneurs ; mais s’ils étoient confondus parmi le peuple, et s’ils n’y avoient qu’une voix comme les autres, la liberté commune seroit leur esclavage, et ils n’auroient aucun intérêt à la défendre, parce que la plupart des résolutions seroient contre eux ; la part qu’ils ont à la législation doit donc être proportionné aux autres avantages qu’ils ont dans l’état, ce qui arrivera, s’ils forment un corps qui ait droit d’arrêter les entreprises du peuple, comme le peuple a droit d’arrêter les leurs.’

The extreme importance of limiting the creation of titular distinctions and dignities cannot be too much borne in mind. The frequent observation of the evils resulting from their undue increase, in the writings of Lord Bacon, shows how strongly his mind had been impressed with the fact. They not only destroy the distinctive character of the nobility, and impair the weight in the constitution of the House of Peers, but, unavoidably tending in themselves to an increase of show and of expenditure, have a direct effect in impoverishing the nation.

‘ Institui igitur, et eminentioris dignitatis hominum, numerus auctus magis quam pro analogia plebeiorum, celeriter statum depauperat.’—BACON.

‘remember me, I pray thee, and strengthen me, I pray thee, this once, that I may be at once avenged of those Philistines for my two eyes.’ Those who have formed the notion of the constitution from such theoretical views as are to be found in writers like De Lolme, may descant upon the importance of keeping the representation of the commons free from the influence of the aristocracy, and on the separate functions in the government of the sovereign, the nobles, and the representatives of the people; but all these distinctions are only valuable as they combine together to promote the public good; and this can only be accomplished in so far as they form an organ for devising and carrying through the measures best adapted to insure the safety, the prosperity, and the happiness of the community,—an object which, it is evident, cannot be attained by any mechanical adjustment or prescription of the action of the several parts, or by any other means than their insensible accommodation to the influence of the operative principles which prevail in society. These, as I have already observed, will invariably compel any arbitrary institution to conform to their own tendency, and will remedy or reconcile many defects which militate against the general spirit of the system. The sense of the aphorism of Lord Bacon, that ‘quæ usu obtinuerunt si non bona at saltem apta inter se sunt,’ was long since expressed by Livy, when he spoke of the ‘usus qui unus est legum corrector;’ and the united opinions of two of the most philosophical and practical observers of human affairs in ancient and modern times, drawn from an experience in forms of society so different, may be supposed to carry with it a weight of authority to which few *dicta* can pretend.

With respect to one modification of representative reform, viz. the communication of the elective fran-

chise to the large manufacturing towns which have arisen,—a degree of importance has been attached to it far beyond what it deserves. I am not of opinion that it would materially affect the constitution of Parliament, in any way, if the measure was so arranged as not to add to its numbers. The value set on this species of local representation arises, I apprehend, on the great misconception of considering the members for such large towns in the light of agents, to attend Parliament on the behalf of the specific communities which they represent, and not as the counsellors of the nation,—whose duty it is, individually as collectively, to take up the interests of any part of the empire which may claim their attention. That the prosperity of such towns has, in fact, been little injured by the want of representatives, is evident from their rise from insignificance to importance entirely destitute of this advantage. The great preponderance of representatives for some parts of the country (Cornwall, for example), and the scarcity of them in others (as in Scotland), would be a much greater evil upon this principle than the want of representation in the large towns, were members of Parliament to be considered merely as the representatives of the local interests of their constituents, and not as the members of the great council of the nation. I do not mean to deny that there may be many cases in which abuses in the constitution of individual burghs may require correction (as in the instance where the existing electors nominate to vacancies); but these ought to be the subject of specific measures, adapted to the circumstances of the particular evils. But unless some defect can be shown in the actual composition of the House of Commons,—I mean unless good reason can be adduced to make it probable that wiser, and more discreet, and more independent counsellors could

be collected by another process of election, there seems no justifiable ground for materially altering that which exists. Of the *competence* of the House of Commons, there are few complaints; and therefore the whole question resolves itself into this,—Whether it would be more expedient to bring its deliberations more effectually under the influence of popular clamour?

In one instance, I admit also that the complaints of the lower orders are well founded, with respect to the influence attempted to be exerted on their opinions in the choice of their representatives;—I allude to the recent unjustifiable and unwarrantable endeavours to revive the feudal and proprietary power of dictation on the part of landlords towards their tenants. These have arisen, I doubt not, in a great degree, from the very mistaken notions which have been inculcated with respect to the nature of the influence of property on the constitution of government. It is unquestionably true, that the distribution of property among the classes of a community, the circumstances which promote its acquisition by the efforts of industry, and facilitate its ready circulation, have all of them a powerful effect in modifying the state of society, and with it the active principles of government; but this effect is not produced by creating a power on the part of the rich to oppress the poor, and to force them to submit to their direction. The real influence of property, both in society and government, arises from this—that, as the wealth of the community consists of the aggregate wealth of its members, so the prosperity of the community depends on the aggregate prosperity of its members: whatever, therefore, affects the interests of those proprietors in whose hands the active capital of the community is vested, which gives employment to all the industrious classes of the nation, is, by its wide spread effect throughout the country,

necessarily forced on the consideration of government as a question of the deepest and most urgent concern. In this way there is no country, however barbarous, which engages largely in commerce, but what will find itself forced, directly or indirectly, to liberalize its intercourse with foreign nations, from the extensive loss and misery that must result from its injudicious impediments to its own prosperity. It is in this way that the rise of the monied and commercial interests has come, throughout Europe, to qualify and undermine the feudal and *despotic* power which the barons were enabled to exert over their vassals ; while, before industry could ensure independence, they monopolized the common source of subsistence, and reduced the people to the condition of actual slaves, dependent for their very existence on the hand that fed them.

To revive, in the present age, and in this country, such absurd ideas of territorial authority, evinces alike a mistaken notion of the prevailing sources of power, and a want of a fair and candid appreciation of the limits which a sense of justice and honourable feeling ought to prescribe to the interference of one man with another's opinions. It is precisely in politics what persecution is in religion,—inflicting an injury on those who will not abandon those views which reason and their conscience recommend to them as right. There can be no question, I presume, that such an interference, if not against the letter, is certainly against the spirit of the laws. To corrupt the freedom of choice by the threat of a penalty is certainly as much a vitiation of that unbiassed exercise of judgment which is necessary, and which the law requires in all matters of *election*, as its perversion by the baser influence of a bribe. To society it is equally injurious.—As an act, in itself, it is far more calculated to rouse

indignation, and to provoke hostility. In both cases, the individual affected is corrupted by his interests. In the one, by the fear of oppressive injury; in the other, by the milder inducement of the hope of reward. Where a direct tampering with a tenant takes place, and a specific threat of removal is held out to induce him to vote as directed, I should humbly conceive a law against bribery and *corrupt influence* would include and reach the offence. When, however, the individual is simply and silently dismissed, being left to infer the cause of his removal, the remedy by law appears much more difficult, and indeed impossible (if the law is directed to restrain or to punish the act), without an interference with the free use of property, which is a principle which, above all others, ought to be kept sacred and inviolable, even when the right to use is abused. It would be better to incapacitate all tenants at will, as well as dependent persons, from voting, who did not swear that no penalty was held out to bias the exercise of their right of election. It may be presumed, however, that, in the present times, an attempt to run so directly contrary to the spirit of the age, would very speedily defeat its own purpose. Tenants are no less necessary to landed proprietors than the use of land is to tenants; and if there are more subservient occupants to be found, there are also more reasonable landlords. It is no less a mistake to suppose that property is, either by its direct or indirect operation, the only source of influence in the affairs of a community, than to suppose that it acts as an immediate source of power in extorting the submission of the poor. To those more easy in their circumstances belong, no doubt, the additional and accessory advantages of the influence arising from superior knowledge and education, and the opportunity of

attaching others to them by gratitude and the ties of kindly obligation ; but these accessory advantages are by no means proportioned to property. They are happily procurable in this country on very reasonable terms ; are within the reach of very numerous classes ; and are as effectual when once possessed by the humble as by the more opulent parts of the community. How many individuals are there of very limited means, whose characters for probity, for a generous love for their country and fellow-creatures, for political knowledge, for prudence and for wisdom, or, finally, for simple ability and power to serve the state,—secure to them and to their opinions an authority and a lead with the community, which the wealth of Cræsus could not command. Would it not be far more judicious in landed proprietors to employ the vantage ground which their situation gives them, to secure over their dependents the nobler description of influence which the generality of mankind are always willing to accord to those to whom they really look up as their superiors in intellect, as well as in station and worldly advantages, instead of attempting to demoralize their minds, or debase their principles, by endeavouring to force them to act otherwise than their sense of right and their duty to their country require ?

Many most unjustifiable things may be done, according to (that is, without infringing) the law. It is a maxim of English jurisprudence, according to Blackstone, ‘ that every wrong should have its remedy, and ‘ every injury its appropriate redress ;’ but this is a maxim much more easily laid down than carried into effect. ‘ Non a prætoris edicto,’ says Cicero, ‘ neque ‘ a duodecim tabulis, sed penitus ex intima philosophia ‘ hauriendum juris disciplinam.’ There are many things contrary to the clearest principles of justice, which no positive enactment will reach. From offences

of this description society probably never will be effectually purged. ‘*Quis enim ignorat maximam illecebram esse peccandi, impunitatis spem*?*’ But it is better to leave the correction of evils like this to the sense and reaction of society, than to attempt to limit by statute the free use of property, on which all successful industry depends. Although, however, men may act very wrong in doing that which they are *entitled* by the law to do with their own, it is incomparably more wrong, and a far greater injury to the public and to the civil rights of mankind, in people, by way of punishing them, to combine and confederate to do that which the law *prohibits*, even where they are able to evade the law. All such confederacy is in itself a crime,—is setting the example of tyranny and oppression, and creating a power destructive of that equality in the enjoyment of civil right, which it is the end of all well-directed jurisprudence to secure. No man can be justified in acting fraudulently to his employer, and executing the task which he contracts to perform in an imperfect or insufficient manner. No man can be permitted to commit waste and spoil of the property of another, merely because the law cannot reach the offence. ‘As a madman,’ we are told by Scripture, ‘who casteth firebrands, arrows and death! so is the man who deceiveth his neighbour, and saith, am not I in sport.’—The consequence of such fraud is to rouse the fury of all concerned, and to occasion the casting of firebrands, arrows and death.

The inevitable result of such proceedings is to arm one portion of society against another, and to split the community into a variety of hostile factions, mutually endeavouring to injure each other, to the creation of unquenchable hatred and heart-burning, the total de-

* Cicero.

struction of individual happiness, and the ruin of the public welfare. ‘*Quæ enim domus tam stabilis, quæ tam firma civitas est, quæ non odiis atque dissidiis funditus possit everti *?*’ Accordingly, many of the ancient legislators imposed a species of social oath on the citizens, enforcing that mutual and reciprocal duty of concord and of fellowship, and the constitution of a common will, which is the foundation of all real patriotism, which ought to be paramount to every other earthly obligation, and without which they rightly considered neither state nor habitation could be susceptible of regulation†. If such a subterraneous strife is not put down by the vigorous interposition of government, a rancorous animosity will extinguish all generous emulation: virtue and industry will be debarred of all reward by the most villanous conspiracies; a deep and implacable, because just, sense of injury will be kindled in the most generous natures; a dark and sombre spirit of revenge will pervade society; the ambition of distinction, and the wish to excel, the mainsprings of the improvement of the world, will be broken in the noblest hearts,—‘*deceserat enim certamen virtutis et ambitio gloriæ feliciū*

* Cicero.

† ‘*ἀλλὰ μὲν καὶ ὁμονοία γε μεγίστον τε ἀγαθὸν δοκεῖ ταῖς πόλεσιν εἶναι, καὶ πλειστακίς ἐν αὐταῖς αἱ τε γερουσίαι καὶ οἱ ἀριστοὶ ἀνδρες παρακείμενοι τοῖς πολίταις ὁμονοεῖν καὶ πανταχοῦ ἐν τῇ Ἑλλάδι νόμος κείται, τοῖς πολίταις ὁμνῦναι ὁμονοήσειν καὶ πανταχοῦ ὁμνῦναι τὸν ὅρκον τοῦτον.*’ * * * *τοῦτοις γὰρ τῶν πολιτῶν ἡμμενεύοντων αἱ πόλεις ἰσχυροτάται τε καὶ εὐδαιμόνεσταται γίνονται ἀνεὺ δὲ ὁμονοίας οὐτ’ ἀν’ πόλιν οὐ πολιτεύειν, οὐτε οἶκος καλῶς οἰκῆται.*’—*Xenoph., Memorabil. lib. iv. p. 806.*

‘Concord likewise will appear to be an object of pre-eminent importance in the economy of a state; and it is accordingly a duty incumbent on the senate and the most respectable of the citizens strenuously to recommend unanimity to the people. Throughout all Greece it is every where a received custom and usage for the citizens formally to swear, by an oath universally administered to them, that they will cultivate a good understanding with each other, for while they persevere in these observances cities are rendered powerful and happy; but, without concord, neither state can be rightly governed nor habitation well ordered.’

‘*hominum affectus*’*. An abuse of the rights of property by a few will not justify, in any sense of the word, the creation of a smouldering war of this sort in society, which cannot be carried on without the creation of a secret and illegal power, productive of evils so truly alarming, much less authorize the measure of a reform of the representation, and of the houses of legislature.†

The inferences which I am anxious to draw from these observations, are, *first*, the ruinous consequences which the views of the reformers would, if realized, produce on the deliberative function of parliament; *secondly*, the total want of accommodation which would result between the new forms of government, and the actual state of society; and, *thirdly*, the extreme folly of throwing away the immense advantage derived to the stability of government, and the tranquillity of society, from the long usage of the people to the existing institutions of the country.—What the specific practical evil might be which would result in these respects, it may be difficult to say,—it would probably be determined by the state of the times in which their operation came to a crisis;—but it could hardly be long before serious consequences were felt. In the first respect, however, it is easy to see that the shorter duration of parliaments, and the adoption of universal suffrage, would incur the risk of all the train of evils incident to the necessity of consulting on every occasion the headlong impulse of the multitude,—of setting the lower orders of society in a great measure free from the wholesome restraints and the cau-

* Tacitus.

† These remarks have been chiefly called forth by some observations in one of the public prints, on the right of the people to combine to molest certain landed proprietors who had dispossessed their tenantry who did not vote according to their direction.

tious guidance to which it is subjected by the existing relations with the upper,—and of substituting the discretionary influence of the ruling demagogues, in checking the violence of the people, and in swaying their selection of objects, for the influence of those with whom the natural ties of dependence and authority connect them, and the unerring direction of the causes which render society alive to its own true interests. In the second, it is much to be apprehended, that if the pressure on the lower classes continues, the overwhelming preponderance of their influence on the constitution would lead to attempts for their relief at the hazard of any consequences, and have the effect of forcing the government on some monstrous and most unprincipled violation of the rights of property. No mischief more probable than another can readily be assigned to the third as a reasonable consequence, but that it would be productive of many cannot be doubted, and perhaps not the least of these would be, the additional facility which it would give to the operation of the other two causes which have been mentioned, and the additional inveteracy to their effects when they occurred. The long experience of liberty has made it sit easy in its present form upon the people, and reconciled them to the various offices and conditions which the constitution assigns them: and to satisfy ourselves of this fact, it is only necessary to turn a discerning eye to the crude notions and awkward figure in practice, exhibited by the inhabitants of those countries who are now, for the first time, attempting to secure to themselves the blessings of freedom. The word prejudice, in its usual acceptation, has come to signify a prepossession for some *erroneous* impression on the understanding. But in its original import (*præjudicium*) it signified simply opinions formed with-

out the exercise of judgment, through the influence of that credulous or confiding principle in the human mind which leads it to assent, on the authority of others, to doctrines whether *right or wrong*, the grounds of which it has itself never examined*. Of those who receive the blessings of a liberal education, there are few who are capable of arriving at original truth for themselves, and not a much greater number who are competent to examine, to any satisfactory purpose, the real evidence for those views which they have taken up from others. The influence of parental authority,—the weight with which the precepts of our early instructors were clothed,—and the contagious effect of prevailing opinions, which leads men to consider every additional supporter of the same doctrine in the light of a fresh testimony to fact, and to suppose, that what every body believes must be true, determines the creed on most subjects of by far the greater proportion of mankind. This powerful propensity of human nature, it is reasonable to suppose has not been implanted in our constitution for useless, much less for pernicious purposes; and if we compare the vast mass of the community who are denied the blessings of the best instruction which the state of society in which they live can afford; the still greater number of those whose occupation, in the active pursuits of life, precludes them from that patient and systematical reflection, indispensable for such investigations; it will be evident, that although this principle of human nature may occasionally prolong error, that, as error will pass away and the truth remain, a provision has

* Si quis in res acutius introspectat duces admodum paucos; reliquos sectatores tantum et numerum esse reperiet. Homines nimirum qui ab ignorantia, ad præjudicium transierunt, neque in rerum consensum (qui interposito judicio fit), unquam coierunt.—*Bacon, Cogitata et Visa, p. 31.*

wisely been made for the communication to the mass of the population of the best lights which the human understanding has acquired, and the final generalization of the fruits of knowledge. Sceptics may assert that a state of philosophical doubt and indecision, as to all conclusions, is the most advantageous state of the human intellect; but the real philosopher will find, I apprehend, in the irksome and restless dissatisfaction of his unsettled thoughts, only a spur to more profound inquiry; and to the great bulk of mankind, who have neither leisure, nor capacity, nor vigour of mind to clear up their difficulties for themselves, such a state of uncertainty is ruinous to their principles, and the fertile source of the most reckless and criminal excesses. I certainly would be one of the very last persons to say any thing that would discredit the attempts that have been so successfully made of late years for the diffusion of education and of knowledge. But it is rarely that many well meaning and sensible persons concur in an opinion (however erroneous to the extent to which their fears induce them to push it), without having some show of reason in their error. Even as it is, the advantages which society has derived from the education of the lower orders, far outweigh the evils it has produced; but there can be no doubt that the first effects of tillage to the human mind is, in a certain degree, to unsettle its opinions, and to shake it loose from many ideas which it had been accustomed to respect as truth, and to give it a tendency to question many others. The simple and sublime truths of morality and religion, which are instilled into the mind in infancy and early youth, amid the scenes of untroubled domestic happiness, the endearments of parental affection, and the enjoyments of home, come to be associated with all the errors with which they

were first united, and as (as has been often remarked) ‘ a little learning is a dangerous thing,’ it often happens that, in weak minds, which rest satisfied with a superficial inquiry, as they came together, together they go ;—it being rashly inferred, when it is found that much that the understanding has been taught to receive as gospel will not stand the test of inquiry, that all they have received on the faith of others has been merely an imposition on their credulity. The evils of this description, inseparable from the first breaking in of the light on the understandings of a people, may be considerable, but should certainly not deter the friends of humanity from pursuing their pious endeavours ; it cannot be doubted, that, as man becomes a more intellectual and rational being, he will become also a more moral and better member of society. The important inference it should suggest is, that, as education is rendered more general, it should be rendered also more judicious ; and that, as it is manifestly impossible to educate a nation of philosophers, capable of new-founding their opinions for themselves, on a sound deduction of conclusions from their natural evidence, that sufficient care should be taken not to set them afloat without a compass on a boundless sea of speculation, by emancipating them from the influence of all those truths which, in infancy, they have been accustomed to revere.

In matters of mere belief, which affect only the happiness of the individual, such evils may be left to their natural cure ; but, unfortunately, such a state of dissatisfaction, with its existing opinions in the public mind, is apt to be productive of more practical consequences, and, as has been remarked by some writer (speaking of the fanaticism which prevailed in the days of Cromwell), ‘ As religious zeal was the cause

‘ of one revolution, so the prevalence of irreligion ‘ would one day be the source of another!’ And I leave it to the judgment of the discerning, whether there are not symptoms in the state of the times of the possibility of such a result.

While the minds of the half-educated are in this state of intellectual ferment and undirected activity, is it wise, is it safe to attempt to bring the legislative and governing power of the state so completely under the immediate control of the popular impulse as it would be were the views of the reformers to be reduced to practice? In all times and in all states there have been found men *cupidi rerum novarum*—anxious for change, some from discontent—some from a restless spirit of enterprise that will be doing—some from the pressure of intolerable evils—and some from an impatience of insignificance and the hope of rising to importance amid the troubles of the times. These are the spirits ever ready to ignite the combustible matter of a state; and no better preparation for a general flame can be imagined, than the unsettling the minds of men on all that they have been accustomed to respect in the constitution of their country, and then throwing into their hands a power which it is in vain afterwards to attempt to control. ‘ Il faut ‘ prendre les temps quand les eaux sont basses pour ‘ travailler aux digues;’—and the waters are at the present moment neither low nor tranquil: and if we attempt now to disturb the bulwarks of the constitution, by altering their shape, while the tide is high and its current strong, it will burst the barrier at the first breach, and sweep all that industry and knowledge have done in irresistible ruin before it.

The passing events in other countries present a powerful motive to the friends of social order, and of

rational liberty, to be contented with the measure of good, which is certainly and safely within their power. The great and enlightened kingdom of France is labouring to procure for herself what we possess ; and the extreme difficulty which she finds in adjusting her institutions to her state of society, and the evident want of harmony with which the various constitutions have worked, might teach us a salutary lesson of the infinite value of forms capable of giving a steady direction to the national councils ;—while they insure to every man all the freedom of thought and of action that the most sanguine friend of liberty could desire, —while they possess, in a most amazing degree, a power of adaptation to the vicissitudes in the social system* ; and while they contain within themselves the means of speedy and effectual correction to any evil resulting from their own defective operation, of which the community may ever have any just reason to complain. The people of France had just, and weighty, and sufficient grounds to run every risk to refound their government on substantial principles of civil right,—to establish a right to exercise the sovereign power of the state of their own creation,—to determine its operation by specific limits, and to furnish, for the example of future generations, a salutary warning of the punishment to be inflicted for the most flagrant violations of established conditions, and the most daring outrages on national liberty. In every form of government, those who administer it must be trusted with power ; and if they are not to exercise it under the responsibility of the heaviest penalty, when they

* Witness their surprising accordance with our extended colonial territorial possessions,—the existence of a standing army,—the enormous amount of revenue levied on the people,—the increased diffusion of knowledge,—the immense increase of wealth,—and the growing influence of public opinion.

employ it to subvert the public freedom, no scheme of liberty can be possible in the world. If the late ministers of France are not in the present age the objects of the indignation which they deserve, it is fit at least that they should be made a terror to the ages that are to come; and if France hesitates to do her duty to mankind in this respect, we may say to her with the Poet,

Nec tua te sontem tantummodo sæcula norint,
Perpetuæ crimen posteritatis eris*.

There the attempt on the rights of the community by their rulers was wanton, unprovoked, and uncalled for. In this country, the discontent with the existing state of the government is nearly equally causeless. The people feel their own power, and are impatient to show it. They suffer severely from the pressure of the times, and are justly discontented; and they present, therefore, materials of the most alarming description for the purposes of excitement; but the evils of which they really have to complain, can only be cured by cool and deliberate reflection, and by a firm and steady government; and they are hastening to produce a state of things in which the voice of reason will be heard no more, and where the rudder of the state will be rendered powerless in the strongest and most skilful hands. The remedy for the evils of the country, it cannot be too often urged, is not to be found in a change of the mechanism of government, but in the measures which the government ought to adopt. It has been observed by a modern philosopher, ‘*First*, That the social order is, in the most essential respects, the result of the wisdom of nature, and not of human contrivance; and, therefore, that the proper business of the politician is not to divide

* Ovid.

‘ his attention among all the different parts of a machine, which is by far too complicated for his comprehension ; but, by protecting the rights of individuals, and by allowing to each as complete a liberty as is compatible with the perfect security of the rights of his fellow-citizens, to remove every obstacle which the prejudices and vices of men have offered to the establishment of that order which society has a tendency to assume. *Secondly*, That, in proportion to the progress and the diffusion of knowledge, those prejudices, on a skilful management of which all the old systems of policy proceeded, must gradually disappear ; and, consequently, that (whatever may be his predilection for ancient usages) the inevitable course of events imposes on the politician the necessity of forming his measures on more solid and permanent principles than those by which the world has hitherto been governed*.’ These views are, beyond all question, well founded ; and, as the same writer elsewhere remarks, that, ‘ In every society which, in consequence of the general spirit of its government, enjoys the blessings of tranquillity and liberty, a great part of the political order which we are apt to ascribe to legislative sagacity, is the natural result of the selfish pursuits of individuals ; nay,’ he adds, ‘ in every such society, the natural tendency to improvement is so strong as to overcome many powerful obstacles which the imperfection of human institutions opposes to its progress.’ The inference to be drawn from these views, therefore, is, that in a state possessing a sufficient degree of liberty, the wisdom in the reformation of its government consists in the gradual correction of those evils of which the community, as it advances, progressively becomes

* Dugald Stewart.

sensible, and thus altering the state of society so as to make it approximate by degrees to that natural form (whatever it may be) which the Almighty has pre-ordained as the most conducive to human happiness ; or, in other words, to content ourselves with removing the actual and palpable evils of government, and to leave the rest to the providence and benevolence of God. ‘ *Naturam optimum ducem tanquam Deum sequimur eique paremus**.’ Many of the nations of Europe are evidently going too fast for the share which they actually possess of the improvement of the age, some speculative men among them having got some phantom of liberty before their eyes, to which they are attempting forcibly to accommodate their condition. These mistimed attempts to accelerate a result for which society is not ripe, or to the success of which the state of the world is unfavourable, are always sure to retard greatly the attainment of the object which they aim at accomplishing. Many of the most zealous friends of freedom are inevitably cut off ; the alarm is sounded among all the partisans of oppression, and an opportunity afforded of interposing all the most effectual obstacles that they can devise to render succeeding efforts abortive. In all the countries of Europe, however, without exception, if there is not such a degree of liberty as will allow the spontaneous improvement of government, there is such a degree of security to persons and to property, so great a want of any real source of despotic power, and so powerful an influence of public opinion, as must render the diffusion of knowledge, the increase of capital, of industry, and of wealth inevitable ; and as these increase, they will infallibly cure the defects of government. The rulers of nations may be so

* Cicero.

absurd as to proscribe the liberty of the press, and to attempt to prohibit the introduction of obnoxious publications, by way of continuing to their subjects the blessings of ignorance ; but the light is burning too strongly and too brightly, and is too far advanced in its dissemination, to be either quenched by these feeble means, or to make it possible to prevent its final and universal diffusion. No government can cut off the communication between the inhabitants of its territory and the civilized world ; and if it cannot, ‘ many ‘ will pass to and fro, and knowledge will be increased,’ in spite of it. When an effort is to be made to effect a change ; when a community are sufficiently *unanimous* as to the object, there will be little bloodshed or convulsion, for from whence is to come the resistance ? and, in the mean time, the friends of real liberty and of improvement had much better employ themselves in maturing their own views as to the objects at which to aim, in disseminating a sense of the existing evils among their countrymen, and gaining proselytes to the cause, and in averting, if possible, any violent struggle in the result, which is always of itself a national calamity, only to be incurred by the present generation when unavoidable, and when certain to be the purchase-money of substantial advantage to posterity. The evils resulting from the contagious influence of the example of a great and successful blow like that which has been so nobly struck in France, are of no trifling description ; the inhabitants of other countries are apt to cry out, See what has been done in Paris by the valour of the citizens : why should not we be as free as they are ?—forgetting altogether the wide difference in the state of France and every other country in Europe, her emancipation by many years of revolution from all the old

feudal ties and prejudices of society,—the maturity which her existing institutions have acquired,—the vast diffusion of knowledge among her population,—the nature of her social organization,—and, above all, the commanding situation which her internal strength gives her, and the defiance she may bid to any attempt to prescribe to her a policy which she may not feel disposed to pursue.

Those who have lived long enough to profit by the actual experience of events at the commencement of the first French revolution, might well have learnt a lesson of caution as to the risk of blowing the embers of innovation throughout Europe at the present most important and critical crisis. The people will be excited into discontent with their existing situation before they well know what they would be at; a state of general anarchy will really threaten the civilized world; and the enemies of all reasonable innovation, taking advantage of the alarming nature of the prospect of general civil convulsion, will not fail to represent every person who wishes well to the cause of human improvement, as the enemy of all social order and government.

What I have observed with respect to reform, I beg to be understood as solely applied to those schemes which aim at new founding the governing and legislative power of the state, by rendering it infinitely more dependent *in its exercise* (as well as in its constitution and duration) on the opinion of the people. I do not mean in the smallest degree to deny, that there are many things in the present state of affairs susceptible of obvious improvement, and many abuses to be corrected. Nor is it at all to be concealed, that the greatest evil of all is the immense disparity which has arisen in the circumstances of the inhabitants of

the country; the affluence and luxury of the upper classes and of the great capitalists, and the privation to which, with few exceptions, all the industrious, and most part of the middling classes are exposed. I admit, further, that the discontent incident to the sufferings of the people is the natural incitement to vigilance with respect to the government, and the proper stimulus to the investigation of the evils of which the suffering is undoubtedly the evidence. It is the sure indication of the decline of that *firmissimum imperium quo obedientes gaudent* *. But to those capable of reflecting, these will all appear powerful reasons for separating the conduct of the investigation from the unthinking impulse of the suffering multitude by which it ought to be only prompted, and whose imperative voice, and the general decline of the country, of which their sufferings are almost the most alarming symptom, will at all times be sufficient to force the subject on the most anxious consideration of the legislature. At an earlier period of my life, when I first began to turn my attention to these subjects, and at a time when the long domination of a Tory influence seemed to present almost unsurmountable obstacles to the authoritative exercise of public opinion, I did conceive that some measures in the shape of reform in the representation were required to enable the sense of the country to exert a due impression on the proceedings of Parliament; but the more deeply any man reflects on the question of government, the more diffident and cautious, I will answer for it, he will become in his views of innovation in such a constitution as exists with us; the more intricate and perplexing will he discover the subject to be; the more he will find one part of the system hang on to another;

* *Livy.*

difficulties which escape the observation of the superficial inquirer will stare him in the face every step he advances,—and the more mysterious and inexplicable he will find the nature of the influence which the active principles of society itself exert upon government. In short, it will appear that it is much safer to do no more than is absolutely necessary in restricting the forms of government by positive institutions ; and that if a community possess an elective and representative legislature, embodying all the existing sources of real power and influence among themselves, and capable of accommodating itself to the changes of society in such a way as always to embody the existing sources of real power, whatever they may be, and holding fast the purse-strings of the state, with an unfettered liberty of discussion and inquiry ; all the rest may be safely left to the gradual effects of increasing knowledge and improvement. The events in this country have completely justified the soundness of those conclusions, and I hope will justify it still further, as a sense of public virtue becomes more prevalent, and the perception among electors of the great duty they are called upon to discharge more perspicuous. The proper remedy for corruption is in their own hands, and will be applied ; many examples have already occurred of the greater purity of the exercise of the elective franchise, and this increase of purity is obviously likely to continue more rapidly progressive among a class of men such as the present elective body, because they are, at an average, somewhat raised above the temptations of want,—have a more powerful interest in the public welfare than those who may be absolutely needy—have more to lose in the way of character than the great mass of the people,—and are more obnoxious to the influence of public censure and

opinion than if they were kept in countenance in their venality by the example of everybody. I apprehend that the returns to parliament by the ten pound voters in Ireland will afford a greater accession of members to the independent interest than ever were afforded by the forty shilling freeholders. It is not, however, merely in the increasing purity of election that symptoms appear of the integrity of the *vis vitæ*, the vital energies of the constitution, and its perfect adequacy to give effect to the growing lights of the age as rapidly as they can safely be reduced to practice. A few persons, incurable in their prejudices, may still hold out for the divine right of kings, and a sturdy resistance to all innovation ; but the most incredulous are beginning throughout Europe to have the truth of Lord Bacon's remark forced upon their understanding by the passing events of the day, that 'an obstinate retention of old customs is a turbulent thing as well as 'the sudden introduction of new.'

The old proverb is rapidly verifying, that the rope that has long resisted the most powerful efforts, breaks at last with the slightest pull (*funiculus in fine, levis-sima tensione rumpitur*), and with this general and almost spontaneous breaking up of the antiquated obstacles to improvement, the great object is to avoid experiments ; to be prudent and cautious in the selection of the objects at which to aim ; and to be contented with doing what is to be done by little and little. The opinion of the people is as apt to be injudicious, as their power, when they choose to exert it, is irresistible (*populus est is qui auctoritatem minimam habet, maximam * vim*), and it is, therefore, of the utmost importance that they should rest satisfied with the guidance of wise and moderate counsellors, and of

* Cic. Finib. 2. 14.

those natural leaders whose fate and fortunes are indissolubly connected with their own prosperity, and not suffer themselves to be led by those whose consequence in the state has arisen from flattering their passions. I have no doubt that the good sense of the people of this country will lead them to act right, if they are not excited by mistaken representations of the source of the evils which they suffer, and false expectations as to the means to be taken for their relief. To borrow a metaphor from Cicero, in all free states they have been like the sea, tranquil in itself, but easily raised into ungovernable storm by the breath of agitators*; and it is well for them, for their own sakes, to be on their guard against this propensity in all numerous bodies of men, to hasty decision and sudden impulse. The ‘populi mobilem animum,’ and the ‘populi impetus lenior per ducem†,’ are remarks drawn from ancient experience, and verified daily by that of the present. It is base to flatter the Prince for the purposes of personal gain or advancement; but it is equally base, and far more criminal, from the magnitude of the consequences it may produce, to flatter the prejudices of the people, as the means of acquiring an interest in their favour. I do not doubt that there are many very well-intentioned and upright men, who honestly conceive that the opinions they express to the people are the best adapted to promote the public welfare; but there are certainly many others (as there have been in all states where consequence could be acquired by the favour of the multitude), whose zeal for liberty takes its direction, if not

* Quo intelligi potuit id, quod, et sæpe dictum est: ut mare, quod suâ naturâ tranquillum sit, ventorum vi agitari atque turbari; sic et populum Romanum sua sponta placatum, hominum seditiosorum vocibus ut violentissimis tempestatibus, concitari.—*Pro Cluentio*, 49.

† Cicero.

its source, from the prevailing appetites of the people in politics.

It is to be wished that their real friends should tell them firmly the truth, till it is listened to without regard to the offence it may give. In hatred to all oppression—in an earnest wish to promote the freedom, the happiness, and the welfare of the world—in an anxiety for the greatness and prosperity of my country—in sympathy with the sufferings of the industrious classes, I will yield to no man, how eminent soever his station, or however splendid his talents may be. But it may be well to examine a little how far some of the fashionable topics of declamation, to which public meetings listen with such deafening shouts, are susceptible of realization in practice. These seem to be reform in parliament—retrenchment in the national expenditure—a remission of taxes—and the abolition of the slave trade—objects well calculated to rouse the generous feelings of such a people as those of this country, and some of them undoubtedly to be carried into effect, in as far as it may be possible to accomplish them. The observations I have offered on the subject of reform, in the sense of the reformers, will, I hope, be sufficient to satisfy many that it is a measure not called for by the state of the nation, and calculated to do infinitely more harm than good. It is a resource like that of a change of dynasty, where the people are entitled to resume the power which they have conferred *, but to be resorted

* It is singular from how early a period this language was familiar to the people of England. In the year 1386 we find the parliament thus addressing Richard II. ‘ But there is yet one part more of our message remaining, on the behalf of your people, to be imparted to you : That we have an ancient constitution, and it was not many ages since experimented (it grieves us to mention it), that if the king, through any evil counsel, or weak obstinacy, or contempt of his people, or out of a permanent forward wilfulness, or by any other irre-

to only in cases of extreme necessity. The duty between government and the people is reciprocal, and no man is to be permitted to risk the peace of society without the general experience of incurable evils ; as, according to an old adage of the English law,

*Sicut princeps tenetur regere legaliter,
Sic plebs tenetur obedire realiter,*

so the people are in like manner bound to treat the legislature with that liberal degree of confidence which is indispensable for the management of their affairs, unless they have reason to think that they are betraying their liberties—are no longer under the influence of the general interests of the community—or are altogether deaf to a reasonable attention to the public voice—evils of which, I will venture to say, there never were fewer symptoms in the history of the nation, than at the present day.

Let us profit by the experience of past ages, and consider the examples which time has taught from the history of those free states of antiquity, and the progress of liberty in this, of the infinite difficulty of restraining the multitude, when the natural power of guidance which the structure of society affords, is weakened too much, by throwing a weight in public affairs into their hands which it is impossible that they should use with discretion. The same scenes have been acted over and over again in the world, to the very little profit of succeeding politicians ; and, if we will not be taught by the ages that have gone by, we shall add, by the catastrophe that will be produced,

‘ singular council, shall alienate himself from his people, and refuse to govern by
‘ the laws and statutes of the realm, according to the laudable ordinances, and
‘ their faithful advice, but will throw himself headlong into wild designs, and
‘ stubbornly exercise his own singular arbitrary will ; that from that time it
‘ shall be lawful for his people, by their full and free assent and consent, to depose
‘ that king from his throne, and in his stead to establish some other of the royal
‘ race upon the throne.’

an additional warning to the generations that are to come. ‘*Omnia quæ nunc vetustissima creduntur, nova fuere, * * * Inveterascit hoc quoque, et quod hodie exemplis tuemur, inter exempla erit **.’

With respect to retrenchment in expenditure, it is undoubtedly an object to be accomplished to the very uttermost limit to which it is possible; but it is necessary to be plain with the people, and to tell them at once, that the representations of its accomplishment, to any extent that can materially relieve the national difficulties, is a complete and utter delusion. It is a subject well adapted to popular declamation; but those who urge it, were they in power to-morrow, would either greatly sacrifice the real and obvious interests of the nation, in order to realize expectations they had created, or would find themselves obliged to retract all that they had advanced. In the present state of the world, and in the situation in which we have placed ourselves by the colonial policy which for forty years we have been pursuing, it is in vain to suppose that the country can go on without the maintenance of great establishments. In reality, the establishments are neither disproportioned to the business nor the exigencies of the state. Sixteen or seventeen millions would amply provide for the public expenditure on its present scale, and this could be raised without difficulty were it the only burden on the people.—It is the expenditure which has been, not that which is, which is weighing on the industry of the nation.

The clamour raised against the present scale of the establishments of the country, operates prejudicially in two ways; first, it withdraws the attention of the public from the real source of the evils which they

suffer, *viz.* the amount of interest which they are compelled to pay for the debt contracted, to meet the expenditure of the preceding generation ; and, secondly, by leading us to do that which it is injudicious to do. If the public derive a benefit from its establishments—if the public service would suffer from these reductions—it is desirable if possible to avoid the mistake of attempting to rectify one error by committing another. A remedy ought to be sought for, applicable to the specific evil, instead of endeavouring to compensate the improvidence of former years by the sacrifice of the essential interests of the present. It is easy to be wise after the event, and to trace back an evil, when we experience it, to the error of policy from which it has arisen ; but, such is the blindness of human nature to futurity, and to the consequences that are to result from the measures actually pursued, that it is difficult for the wisest statesmen to be wholly uninfluenced by the course of passing events in the age in which they live. We have undoubtedly overdone the process of colonial aggrandisement ; but it is hard to tax those who pursued it wholly with the evils which it has produced ;—it was greatly determined by the circumstances of the world. When the progress of improvement and the growing confidence of man in his own powers led to a spirit of hardier enterprise, and to the bold adventures of the first maritime discoverers, the physical energies of the European race were developed to a degree far beyond all proportion to their perception of moral obligation, the influence of a rational religion, or a sense of those real and permanent interests which Providence has inseparably linked with the cause of justice. The feebleness of the communities with which they found the new regions of the world to be peopled, rendered them an easy

prey to the unprincipled rapacity, hardihood, and military discipline of their invaders. The vast accession of wealth which flowed in for some time upon Europe from the spoliation of these countries, and the general impulse which the extended sphere of intercourse gave to human affairs, aroused a rage for the acquisition of foreign territory, totally beyond the value of the object. With the pre-eminence which this country had acquired in navigation and in commerce among the nations of the earth, and her prodigious and unexampled extent of relation all over the globe, it is not wonderful that she should have been led to pursue this policy with inconsiderate avidity. During the earlier part of the late war the state of military operations in Europe was not favourable to the exertion of her strength on the Continent; and she had, consequently, a powerful temptation to employ the vast armaments she was compelled to keep on foot, to obtain possession of the colonial dependencies of her enemies, which her superiority at sea rendered peculiarly vulnerable to her spirit and enterprise. These possessions, one and all of them, have been purchased, and hitherto maintained, at too dear a price. But, because we have made an improvident bargain, it does not follow, that what we have obtained for the sacrifices we have made, is good for nothing, or that it is to be thrown away as wholly useless. On the contrary, the circumstance ought to operate as a powerful stimulus to us so to manage them, as to render them, if possible, an adequate indemnification for the price they have cost. Were they nothing else, they are so much power in the world, so much influence over the course of human affairs; and happily, the more we can direct this for the progress of improvement, and the advancement of

society throughout the earth, the better and the more judiciously shall we consult our real interests. Now-a-days a campaign is not confined to the sphere of a province, and a fruitless war of sieges. The whole world becomes the theatre of military operations; and, in this vast arena, our colonial possessions are so many strongholds, extending the controlling power of this small island, and scanty population, to the uttermost limits of the world.

The defences of many of these possessions have cost their former owners vast sums of money. At the Cape, Ceylon, Canada, and most of the West India Islands, our predecessors have left valuable memorials of the labour they have bestowed for their preservation. Malta is impregnable, and could not have been fortified for millions*. It is realizing the current and homely proverb of penny wise and pound foolish, to allow these expensive erections to get into a state of ruinous decay. It has been my fortune to serve since the peace in several of the colonies, and in all those which I have visited, I have frequently known the soldiers night and night in their beds, (one night in the barracks, and the next on duty alternately); while the discipline of the army is to be supported, and men are liable to be shot, and certain of exemplary punishment, if found asleep on their posts. Is it consistent with humanity,—can it be reconciled to justice, to task human nature so severely?

I would not be understood, by any of these remarks, as standing forward as the advocate for expenditure. Retrenchment and economy ought undoubtedly to be

* When Napoleon entered Malta ;—as he stood on the draw-bridge at the gate to receive the keys ;—he cast his eye, as he took them, into the vast gulf of a ditch beneath him, hewn from the living rock, and most courteously expressed his thanks to the knight, by whom they were delivered, ‘ For certainly,’ said he, ‘ I never could have got in here without them.’

carried as far as they can go. I wish merely to suggest a caution against raising expectations which cannot possibly be fulfilled, and against throwing away a dear-bought advantage, with an improvidence equal to that with which it was acquired. Some of these colonies most undoubtedly might be rendered productive of much greater advantages than they actually yield, and all of them will unquestionably increase in importance as the civilization of the less improved parts of the world with which they connect themselves advances; and a great many of them might likewise be maintained at a less expense to the mother-country than they are. To turn them, however, to the best account, a general revision of the whole colonial system is necessary, its adaptation to the principles of a liberal commercial intercourse, to the mutual and reciprocal benefit of the mother-country and the dependencies, and to the formation of a constitution of colonial government, calculated to give greater effect to the local interests of these remote possessions, and calculated to compensate the want of natural connexion, by drawing closer the ties of national friendship, and strengthening the sources of the identity of interest, in the permanence of the association. But, on the general bearings of such subjects, my space will not allow me further to enlarge. Till they are effected, however, the colonies cannot be maintained or governed with naval and military establishments much short of those that we have on foot.

With respect to the largest, and by far the most important of these dependencies, a particular question has arisen of the deepest interest to the community, not only from the great stake which the country has at issue on the venture, but from the magnitude of those general principles of social order and of govern-

ment which it involves. The great subject of the East India Company presents itself in three different aspects, and in all of them this establishment appears to be nearly equally injurious:—*First*, As it affects, as an independent power, the civil and social rights of the community; *secondly*, As an engine of government for the vast population entrusted to its management; And, *thirdly*, As a commercial monopoly, destroying the freedom of trade, inherent in the subject, and impairing the commercial prosperity of the nation. That one class of society should be addressed my Lord, another Master, and a third John or Thomas; or that one man should be entitled to take precedence of another in coming in or going out of a company, are distinctions of no practical effect or consequence whatever. The man who repines at the want of such paltry advantages, is, in truth, just as much an object of contempt, as the man who overweeningly values himself on their possession. The folly in both cases arises from the same weakness of estimating too highly what no man of common spirit ought to care about. When they are not public testimonies to conspicuous merit, such diversities are at the worst harmless; and were they of no more important purpose, may serve the useful end of preventing much frivolous dissension among fools. But it is a very different species of inequality which is created in the world, when, by any means whatever a man, or a body of men, are enabled to say, that my industry shall not come into the market in competition with theirs,—or when a power is tolerated which tends in any way to clog the free and open career to the enterprise and talent of every man in the state, or which, indeed, admits of any principle of aggregation but that simple, social contract, which levels every man's rights in the eye of the law, and which ought to be single, pure, and unadulterated,

equal and reciprocal, between every member of the community. So strongly were some of the ancient legislators impressed with the truth and importance of this great and fundamental principle of all real freedom, prosperity, and greatness among nations,—that they fell into the absurdity, by a rash generalization, of proposing to institute not only a community of rights, but of possessions, and of the *natural* social ties; and decreed that the goods, wives, and children of a political association should all be enjoyed in common,—not perceiving the difference between the creation of artificial ties, at variance with those which unite the whole confederation,—nor the evil of rendering the political bond an obligation wholly conventional and arbitrary,—and forgetting that it is for the protection of those private rights that all political union is instituted.

In those personal ties and private rights, the whole social system has its origin *. With the domestic ties and affections, arises the motive to sustained exertion,—the cultivation of the earth, the parent of all other industry,—and the guardian power of the law, the friend of the poor †. Immediately beyond these limits, lie the influence of neighbourhood—a community of local interests, and the necessity of union to effect

* *ἐκ μὲν οὖν τούτων τῶν δύο κοινωνιῶν, οἰκία πρώτη, καὶ οὐδὲν Ἡσίοδος εἶπε ποιήσας—
οἶκον μὲν πρώτιστα γυναῖκα τε, βουν τ' ἀροτήκα.*

Ex his igitur duabus societatibus prima domus constituitur: recteque Hesiodus scripsit—

Est primum domus, et mulier tibi, bos et arator.—*Aristoteles de Republica*, i. p. 297.

† Lex res meliora inopi quam potenti.—*Livy*.—I have placed the origin of legislation, and of the recognition of the rights of property, with the cultivation of the earth, because such is manifestly the fact. The Nomadic races have been in all ages robbers and plunderers by profession. If they do not pillage from each other, or if the hunter claims a right in the game he has slain,—it only shows that the idea of the institution of a right of property by the labour by which it is acquired, is a principle inherent in human nature; but which has, however, no connexion with the progress of society.

their common purposes,—the necessity of combination against danger, of a common directing power, and the rudiments of government—the relations between states and the universal interest of man in man. Cicero has reversed, in his description, the order of this process, and has traced the social system up to those primary ties, in which it centres: ‘*Gradus autem plures sunt societatis hominum. Ut enim ab infinita illa discendatur, propior est ejusdem gentis, nationis, linguæ, qua maxime homines conjunguntur. Interius etiam est ejusdem esse civitatis. Multa enim sunt civibus inter se communia, forum, fana, porticus, viæ, leges, jura, judicia, suffragia, consuetudines, præterea et familiaritates multique cum multis res rationes tractæ. Arctior vero colligatio est societatis propinquorum. Ab illa enim immensa societate humani generis angustumque concluditur*.*’

But although it is equally absurd and impossible to attempt to dissolve those social principles implanted by Providence in the human constitution as the natural basis of all political aggregation, and of all moral and intellectual improvement among mankind, (and which being common to the whole human race, never can tend to impair the civil rights of individuals, or to destroy the equality of the citizens in the eye of the law;) it is hardly less dangerous to create partial and artificial ties of confederation, connecting particular portions of a community together, and giving them an independent power of direction and of action. The state of human society which has exhibited this evil in its greatest extent is that of the Hindus. There every tribe, every avocation, possesses a species of secret and internal government, intended in a great measure

* *De Officiis*, i. p. 17. ‘*Prima societas,*’ he adds, ‘*in ipso conjugio est: proxima in liberis; deinde una domus communia omnia. Id autem est principium urbis, et quasi seminarium reipublicæ.*’

to secure to itself a monopoly of particular advantages to the exclusion of the rest of the community. These are organized in a great degree in the manner of masonic lodges*. Union is power; and by a system of confederation and collusion of this description, they are enabled to play into each other's hands, and not only to exclude all competitors in the branches of trade which they wish to confine to themselves, but in many cases to shelter delinquents from the operation of the law. It is by means of this system of co-operation that the denunciation of loss of caste is made to operate with such fearful effect, and which gives to the enmity of these bodies so formidable an influence on the happiness and fortunes of their countrymen. By this means the operation of the natural social principles which should bind together all the members of a community by equal and reciprocal ties, and interest them alike in the maintenance of the government which springs up among them to protect their civil rights, are completely silenced and rendered ineffectual,—the spirit of patriotism is extinct. The support of the social and personal privileges are never thought of, in comparison with the narrow ties which bind the individual to the fraternity, which enslaves alike his body and his mind. By this means the powers of government are superseded, and every species of personal injury and personal injustice committed, under the pretence of internal regulation and control. By way of trying the intellectual and moral qualities of individuals; by means of this infamous system of

* 'We are aware that every caste forms itself into clubs or lodges, consisting of the several individuals of that caste residing within a small distance.'—Husbandry of Bengal, p. 173.

The distance to which the concatenation of these lodges extends, depends in a great degree on the facilities of communication. In populous and frequented parts of the country, the subordination of inferior lodges to a grand or central lodge, is sometimes very widely spread.

collusion, stumblingblocks are laid in the paths of the unwary, to the perdition of many ;—men thus undertaking the office of those impure and malignant spirits, whom the common consent of all nations has described as the enemies alike of God and man,—rendering themselves the ready tools, and the willing auxiliaries of the fiends of hell,—the angels and ministers of the Devil, the prince of tempters *.

A power of this description, exercised as it must be, without responsibility and in secret, is more odious than the Inquisition, and more formidable than the worst tyranny that ever existed on the face of the earth. What does it signify to the person aggrieved by what means he is oppressed? oppression is still the same: *Quid interest, quot domini? servitus una est* †. Nor are men's characters only made the sport of these villanies by the grossest violation of all social rights, and by placing them in artificial circumstances, and then attempting to draw a most fallacious inference from the manner in which they act, as if they were under the influence of natural causes. By means of the same system of combination, circumstantial indications are accumulated, destructive of the reputation of the most innocent persons, and the most irreproachable virtue blackened to afford a screen to the foulest guilt. 'With such little webs as these are ensnared ' many flies as great as Cassio ‡.'

* 'What do these sort of men think will become of themselves when the 'master of the house shall come and find them thus beating their fellow-servants? These monstrous inventions are but here made on purpose to winnow 'the best men; and that's the devil's occupation.'—Speech of Sir Benjamin Rudyard in the Commons House of Parliament, Anno 1640.

† Seneca, Epist. 23.

‡ See Shakspeare's Othello, Act II. Scene 1.

προσπιπτει γαρ, ὡς εἰκος, ὡς πιθανωτερον, αν οὗτου τις ψευδοιτο ει καταμισθοι τι και αυτων των αληθινων.—STRABO.

'For the story appears more credible when the relator lies in such a way as 'to mingle a portion of truth with his falsehood.'

That ‘ the battle is not always to the strong, nor the ‘ race always to the swift, but that time and chance ‘ happen to all men,’ we are taught to expect from the nature of our condition. But to the chapter of accidents in human life which arises from natural causes, He who made all things in weight and measure has proportioned the resources of human prudence and wisdom ; and though the race be not *always* to the swift nor the battle *always* to the strong, both, in the great majority of cases, where the dealing is not foul, will belong to the man who possesses the best claims to obtain them ; but by such collusion, virtue and talent are rendered unavailing,—the most strenuous exertion deprived of its reward,—vice treated with indiscriminating regard with the honour due to unimpeachable character,—and men of the most frivolous and contemptible qualities puffed and bolstered up into success and importance, surprising to others, and no doubt still more surprising to themselves. The reflections of such persons (if they ever reflect) may be supposed, without improbability, to be akin to the cogitations of Horace’s log ;

Olim truncus eram ficulnus, inutile lignum,
Cum faber, incertus scamnum faceretue Priapum,
Maluit esse deum. Deus unde ego.

The great end of civil institutions, as has been truly remarked, is to prevent any of the citizens from daring to do any thing contrary to the legislative provisions of the community, by punishing with exemplary severity those by whom they are infringed*. But a combination of this sort, sufficiently extensive, might treat with derision the civil power of the state, and paralyze the arm of justice ; trampling under foot all that

* το παρα τοις νομοις μηδεν μηδενά τολμᾶν ποιεῖν των εν τη πολιι, των, τολμωντα δε, θανατη ζημιουσθαι και πασι τοις ισχυτοις.

‘ That none of the citizens should venture to do anything contrary to the

is imposing in the dignity of government, and all that is formidable to guilt, in the retributive office of the law.

Usque adeo res humanas vis abdita quaedam
Obterit, et pulchros fasces, saevasque secures
Proculcare, ac ludibrio sibi habere videtur.

Nor is this disturbance of the natural relations of society, by such secret confederacy, merely a crime against the rights of men; it is an arrogant and impious usurpation on the power of God himself, and a falsification of the dispensations of Providence*. It is worst of all, as has been remarked both by Lord Bacon and Machiavel†, when the king or chief magistrate, by whom these confederacies, which are in fact nothing better than standing and open-faced conspiracies, should be put down; by becoming a party, lends his countenance to such a combination. In every age of the world, and in all states where such confederacies have been suffered to creep in, they have never failed to produce the most alarming evils. In Rome, by means of a secret combination among a number of the women, deleterious substances were introduced into the food of such of the citizens as fell under their displeasure, and many of them were cut off‡. The

‘ laws, and that whoever shall dare to infringe them may be punished with death and the severest penalties.’

* ‘ Say ye not a confederacy,’ we are told by Scripture, ‘ say ye not a confederacy to all them to whom this people shall say a confederacy; neither fear ye their fear, nor be afraid. Sanctify the Lord of Hosts himself, and let Him be your fear, and let Him be your dread.’

† ‘ Etiam (ut bene notat Machiavellus), cum principes, qui se pro parentibus communibus gerere deberent, factioni alicui se adjungunt, idem fit ac cum lembus, inclinatione nimia in alterum latus, evertitur. Hoc temporibus Henrici Tertii Gallorum Regis confirmatum est. Ipse enim, a principio, in ligam pro extirpandis protestantibus, se recipi voluit: at paulo post, eadem liga contra ipsum regem vertit.—Bacon, de Seditiōibus et Turbis, vol. vi. p. 54.

‡ The first case of the kind which occurred is recorded in the 3th Book of Livy.—‘Quum primores civitatis similibus morbis, eodemque ferne omnes

same evil, resulting from combinations among confederates, seems to have continued in other forms during a long period of the Roman history. In later ages we find the poet remarking the effect of the medicaments, which vitiated the natural feelings, and benumbed the faculties of men.

Hic Thessala vendit
 Philtra quibus valeat mentem vexare mariti,
 * * * quod desipis inde est,
 Inde animi caligo et magna oblivio rerum.*

Nor was the evil confined to such expedients for introducing medicaments into the food of the community; theft and every other crime appears to have been suborned or practised by the same infamous system of mysterious conspiracy.

‘eventu morerentur: ancilla quædam ad Q. Fabium Maximum ædilem curulem, indicaturam se causam publicæ pestis professæ est; si ab eis fides sibi data esset, haud futurum noxæ indicium. Fabius confestim rem ad consules, consules ad senatum referunt: Consensuque ordinis fides indicî data. Tum patefactum, muliebri fraude civitatem premi: Matronasque ei venena coquere; et si sequi extemplo velint, manifesto deprehendi posse; secuti indicem, et coquentes quasdam medicamenta, et recondita alia, invenerunt quibus in forum delatis, et ad viginti matronis apud quas deprehensa erant, per viatorem accitis, duæ ex eis Cornelia ac Sergia, patriciæ utraque gentis, quum ea medicamenta salubria esse contenderent, ab confutante indice, bibere jussæ, ut se falsum commentum arguerent; spatio ad colloquendum sumpto, quum summoto populo in conspectu omnium rem ad cæteras retulissent: haud abnuentibus et illis bibere, epoto medicamento, suamet ipsa fraude omnes interierunt. Comprehensæ extemplo earum comites, magnum numerum matronarum indicaverunt: ex quibus ad centum septuaginta damnatæ; neque de veneficiis ante eam diem Romæ quæsitum est.’—P. 701.

* There was ‘death in the pot’ in ancient as well as modern times, and at this species of argumentum ad hominem, or medical logic, they seem to have been very expert.

τι γέλας; ἀκριβὴ βλεῖπεις ἀνθρώπομαγειρον. οὐ γὰρ μόνα ταῦτα φαῦλα ἐδώδιμα κατασκευάζω, ἀλλ’ ἤδη το μέγα τοῦτο καὶ καλόν, τὸν ἀνθρώπον οἶδα ἐγῶ γι καὶ σφάττειν, καὶ δρεῖν, καὶ κατακοπτεῖν, ἥδιστα δὲ τῶν σπλαγχνῶν αὐτῶν καὶ τῆς καρδίας ἀπτομαι.

‘Why do you laugh? You behold in me a real cooker of men; nor do I only prepare these vile viands I understand also that other important and elegant species of the art. I know both how to slaughter, to flea, and to dismember a man, and with special good will do I attack his very bowels and his heart.’

The

Fumus promittere patris

Nec volo, nec possum * * * * *

Me nemo ministro

Fur erit, atque ideo nulli comes exeo, tanquam

Mancus, et extinctæ corpus non utile dextræ,

Quis nunc diligitur, nisi conscius et cui fervens

Aestuat occultis animus, semperque tacendis ?

Of these unuttered labourings of the spirit, the conscious mind may be delivered, however, without the use either of the pen or of the tongue. We know from high authority that *articulate speaking man** does not always avail himself in the communication of his ideas of this distinguishing attribute of his nature. There are other means more congenial to the cowardly spirit by which they are inspired—to the views of those ‘who hate the light because their deeds are dark ;’—and to the indication of means for the accomplishment of purposes which they dare not avow—‘He winketh with his eyes, he speaketh with his feet, ‘he teacheth with his fingers, frowardness is in his ‘heart, he deviseth mischief continually, he soweth ‘discord†.’ Let us hope that the prophetic denunciation of Scripture which follows will in such cases be equally certainly and speedily verified, ‘Therefore ‘shall his calamity come suddenly ; suddenly shall he ‘be broken without remedy.’

The great difficulty of arresting the progress of such secret combinations is hardly less than the extent and variety of the evils which they produce: ‘Crescit et

The sense in which this is to be taken is evident from the rest of the passage.

ου γαρ εμε κατακαυματι, μα Δ’ αλλα ολω εμπρησμεν επιθηκας, και δια των ομματων των εμων, το σου μη φαινομενον πυρ κατω ες τα σπλανχνα ταμα ριψασα, φρυγεις και ταυτα, ουδεν αδικουντα.

‘You have not only singed me, by Jove ! but set me all in a flame—and when ‘I could not see the twinkling of your fire, I find that you scorch my very ‘bowels within me ; and that when I never did you any harm.’

* Μερσϛ ανθρωπος. Homer, *passim*.

† Proverbs, chap. vi. 13.

‘serpit quotidie malum * * * nunquam tantum malum
 ‘in republica fuit nec ad plures, nec ad plura perti-
 ‘nens; quicquid his annis libidine, quicquid fraude,
 ‘quicquid scelere peccatum est, ex illo uno sacrario
 ‘scitote ortum esse.’ The Roman government seems,
 indeed, to have been aware of the proper remedies,
 had it known how to render them effectual, viz. to
 suffer no individual to exercise an authority with which
 he was not invested by the law, and to destroy the
 source of combined power: ‘Ubicunque multitudo
 ‘esset, ibi et legitimum rectorem multitudinis cense-
 ‘bant debere esse * * * neu qua pecunia communis,
 ‘neu quis magister sacrorum eorum aut sacerdos
 ‘esset*.’

With a system of persecution of this sort, no pru-
 dence, and no courage, will enable an individual to
 contend unassisted, nor will other remedy remain than
 a patient fortitude, till society awake to a sense of its
 own interest, in avenging its rights violated in his
 person.

Nobile vincendi genus est, patientia vincit
 Qui patitur.

But if the justice of man should sleep, the inevitable
 and ever vigilant justice of God will overtake the
 guilty, although its fulfilment may be slow and unseen.
 That evil is tolerated in human affairs by the Almighty,
 is no proof that it is sanctioned, much less that it is

* With respect to those secret associations, who are united by an oath, it is
 necessary to observe, that no religious or moral obligation can be contracted to
 do that which is in itself wrong. It is in itself an absurdity, to suppose that
 the Deity can be invoked as a witness to an obligation to violate his laws by the
 commission of crime,—‘Ut valeat juramentum, oportet obligatio sit licita, quare
 ‘nullas vires habebit jurata promissio de re illicita, aut naturaliter, aut divina
 ‘interdictione, aut etiam humana.’—*Grotius*, lib. ii. cap. xiii. p. 389. See *Am-
 brosius de Officiis*, i.

It is, therefore, perfectly true that there are some oaths more honoured in the
 breach than in the observance. It would be much better, however, if they were
 never suffered to be taken. Few offences deserve to be visited with more ex-
 emplary severity than the administration of unlawful oaths.

to be considered as his act, or the act of any other principle than that of the agent whose volition produces it. Though Heaven, accordingly, permits the existence of a power to oppress, the act of oppression is still denounced as guilt. When the consummation of all crime was completed in the world, by the murder and robbery of its Saviour, and the ruffians, while he was suffering the torments of the cross, divided his garments into four shares, and gambled for his coat, He declared, ‘Thou couldst have no power over me except ‘it was given thee from above ; therefore he that delivered me unto thee hath the greater sin.’

It is to be hoped, that the principles of a purer religion, and a more perfect acquaintance with the importance of maintaining inviolate the civil rights of mankind, and the security of persons and of property, which all law and all government is instituted to effect, may prevent, in modern times, the possibility of the existence of any parallel to these blackest iniquities in the page of history.

By these examples, it will be manifest that, independent of the sacrifice of interest which the community make, by assigning a great and lucrative field of industry and of exertion to the enjoyment of a few,—a great general principle as to civil right is involved, in organizing a body distinct from the associating principles of the community, and investing it with independent powers of self-government and control. I am far from meaning to insinuate, that the East India Company, or the managers of its affairs, have been guilty of such enormities as these ; but, without imputing to them the evils ascribable to *secret associations*, it is evident that they, and all similar bodies, partake in a minor degree of the evils incident to an *imperium in imperio*,—of an authority exercised without that responsibility which in free states attaches to the

advisers of its measures, and altogether distinct from that power which is common to all the members of a community,—which alone has a right to claim their obedience, and which they have created for the fulfilment of those general purposes of security, administration, justice, and legislation, in which every individual has an equal interest. Such a vitiation of the social principles has had in all ages, and for ever will have, an injurious influence on the welfare of nations and the ends of government; it is as described by Livy, ‘*factio respectusque rerum privatarum quæ semper officere offecerentque publicis consiliis.*’

The consequences produced by the existence of such a body as the East India Company to the social institutions of the country (though fortunately counteracted to a certain extent by the influence of public opinion), are neither few nor trifling. The disposal of an extensive patronage; the right they have assumed of giving or withholding pensions to governors-general, and other servants who have been employed in their business, or in public offices subjected to their direction; the administration of an immense empire, about which the bulk of the community are profoundly ignorant; the exercise of the right of sovereignty over an industrious population five times as numerous as that of the mother country, and the power of contracting debt under the guarantee of the public credit, are powers such as no state of society could have sustained or tolerated in subjects, but one in which the principles of liberty, and the vigilance of the legislature, were as vigorous as they are in this. Nor might the day be distant, if these powers are continued, in which circumstances might call into action the dormant energies of the system with an effect for which it will be no longer an easy matter to find a remedy. It is the greatest and the

worst of the remaining relics of that illiberal and ignorant spirit which so long governed the policy of this country ; which has been the patron and the defence of every oppression in India ; which supported the traffic in human beings till it could enslave no longer ; which persecuted for so many years our Catholic fellow-subjects in Ireland, and deafened the ear of mercy to their petitions ; disregarding the rights of all that were weaker than itself, and sacrificing to its sordid interests, and the arrogant exercise of its power, the meek, and the lowly, and the suppliant.

As an engine for administering the affairs of India, it may be said to contain within itself the principles of every evil with which a government can be tainted. ‘ It seems impossible,’ says Mr. Smith, ‘ by any alterations, to render these courts (those of the directors and proprietors) in any respect fit to govern, or even to share in the government of a great empire, because the greater part of their members must always have too little interest in the prosperity of the empire, to give any serious attention to what might promote it.’ * * * * ‘ No other sovereigns ever were, or, from the nature of things, ever could be, so perfectly indifferent about the happiness or misery of their subjects ; the improvement or waste of their dominions ; the glory or disgrace of their administration ; as, from irresistible moral causes, the greater part of the proprietors of such a mercantile company are, and necessarily must be*.’ If these courts, however, as organs of government, are necessarily deficient in the ordinary motives to good government, with respect to their subjects, they are placed in circumstances which would render vain the best. They

* Wealth of Nations, vol. iii. p. 141, book 5, c. 1.

are severed not only from all participation in the interests of the people whom they rule, but from all the lights with respect to their real condition, and the exigencies of their situation, without which there can be no useful legislation, nor no well-directed efforts for improvement; and entirely destitute of that sympathetic sensibility to the impressions made on society, which can alone render a government fit to direct the affairs of a nation. This identification of a government with the people subjected to its power, by giving it a clear perception of the circumstances of each case as it arises, enables it often to supply, by a sort of practical tact, the inability to form large and general views of policy, and, in the main, to consult wisely the interests of the community: and the want of it would make it difficult to reduce to practice systems of amelioration framed with all the benevolence and sagacity which they could possess. The demerits of the government of India are not, however, confined to its necessary indifference and ignorance; the constitution of the power, which, under these circumstances, is left to its direction, is as vicious as the lights and zeal for the welfare of the people which guides it are defective. This blind and insensible government is absolute in the full sense of the word, beyond any that the world ever witnessed. Claiming as it does the right to territorial possession, it is in every respect a true Asiatic despotism. Deriving its origin from conquest, it is an open and avowed usurpation on all the political rights of mankind; and, ruling by the instrumentality of a large standing army, the government is exercised, as it was acquired, purely by force; and is, in its operation, the most perfect example of a military tyranny to be found in history. It has, therefore, it must be admitted, all the promptitude and

energy in execution incident to despotisms while they continue in vigour ; and, accordingly, its military operations, where they have not been most grossly ill-designed by the projectors, or ill-conducted by the officers employed, have been attended with the most signal success. The prodigious power which it wields, and the vivacity of its executive functions, give, however, a tenfold injurious effect to its blindness and indifference as to the consequences to be produced on its subjects, and to the inaptitude of its domestic policy to their condition and wants. The decrees of the Indian legislators issue, undirected by the interests, or wishes, or wants of the people ;—and unresisted and unweakened by the prostrate powers of society, they operate with deep and unrelenting effect. Can it possibly be supposed, that, under any other scheme of government, the whole ancient gentry of a country so wealthy and so populous could have been extinguished in fifty years ? The misdirection of the resources of this vast empire produced all the effects of a decline in its natural riches. ‘ In a country,’ says Mr. Smith, ‘ where the funds destined for the maintenance of labour were sensibly decaying, the demand for servants and labourers would, in all the different classes of employment, be every year less than it had been the year before. Many who had been bred in the superior classes not being able to find employment in their own business, would be glad to seek it in the lowest. The lowest class being not only overstocked with its own workmen, but with the overflowings of all the other classes, the competition for employment would be so great in it, as to reduce the wages of labour to the most miserable and scanty subsistence of the labourer. Many would not be able to find employment even upon these hard terms, but

‘ would either starve, or be driven to seek a subsistence either by begging, or by the perpetration, perhaps, of the greatest enormities. Want, famine, and mortality would immediately prevail in that class, from thence extend themselves to all the superior classes, till the number of inhabitants in the country was reduced to what could easily be maintained by the revenue and stock which remained in it, and which had escaped either the tyranny or calamity which had destroyed the rest. This, perhaps,’ he continues, ‘ is nearly the present state of Bengal, and of some other of the English settlements in the East Indies. In a fertile country which had before been much depopulated, when subsistence consequently should not be very difficult; where, notwithstanding, three or four hundred thousand people die of hunger in one year, we may be assured that the funds destined for the maintenance of the labouring poor are fast decaying*.’ For the calamitous consequences which had resulted at the time of the production of Mr. Smith’s work, from the decline of capital produced by the misgovernment of the Indian Company, the measure of the permanent settlement introduced by Lord Cornwallis, by prescribing a limit to extortion, has in so far provided a remedy that the horrors of famine no longer consummate the catalogue of the wrongs of the people. The facility of subsistence to which Mr. Smith has alluded, (and which is indeed unparalleled in any other portion of the globe,)—the very trifling capital with which it may be procured,—and the quantity of waste land which the disasters of the country have left behind them, have enabled the people, not only to

* Wealth of Nations, book i. cap. ii. p. 110.

preserve their numbers, but considerably to increase them. More than enough of grain is raised in one year to enable the population to subsist till the ensuing harvest. The redundant labour of the husbandman is sufficient to supply the simple tools which he employs, and the short rotation in the production and circulation of capital is sufficient to enable a people to multiply and to satisfy their animal wants and propensities. A few natives in the great towns whose avocations lead them to cultivate an intercourse with Europeans, may be beginning to imbibe some intellectual cultivation and enlargement of idea from the connexion ; but all the invigorating and healthy principles of society,—all that animate the minds of a community with hope,—with ambition to excel—with noble and useful purposes, is extinguished by our system of government, and the active propensities of human nature left to vent themselves in vicious and sensual gratifications, or in the enterprise and ingenuity of doing atrocious crimes. The consequences of misgovernment in India, however, are not to be estimated by a catalogue of positive and existing evils resulting from its policy, but by a comparison of the actual state of things, with that which might be. From some obstacles thrown in the way of the inland commerce of the company, dissensions arose with the native government, which terminated in an appeal to the sword, and the issue of this struggle for supremacy has been the vast empire which we have established in the east. Power acquired or usurped for the purpose of promoting the success of mercantile speculations, would have, one would have supposed, when obtained in an unlimited degree, contributed immensely, if judiciously employed, to augment the profits derived by the nation from the Indian trade.

The interests of a people when they bear on the conduct of government, are a pretty sure guide to the ends most likely to promote their happiness and prosperity; but the interests of a government (at least those apparent interests which are sure to prevail with them), when they bear on the affairs of the community at large, are very little likely to promote the welfare of either the one or the other; and this has been in a remarkable degree exemplified in the history of the administration of the Indian Company. The natural character of a trading sovereign is meanness on the throne, and magnificence behind the counter. Mr. Smith, with his usual sagacity, long ago pointed out this consequence of such an unnatural combination of functions; and the experience of many years seems hardly as yet to have awakened the nation to a sense of the truth of it, or of the extent of the loss which it suffers by the circumstance. ‘Princes,’ says this acute observer, ‘have frequently engaged in many ‘mercantile projects, and have been willing, like private persons, to mend their fortunes by becoming ‘adventurers in the common branches of trade. [They ‘have scarce ever succeeded. The profusion with ‘which the affairs of princes are always managed, renders it almost impossible that they should. The ‘agents of a prince regard the wealth of their master ‘as inexhaustible; are careless at what price they ‘buy; are careless at what price they sell; are careless at what expense they transport his goods from ‘one place to another. Those agents frequently live ‘with the profusion of princes, and sometimes too, in ‘spite of that profusion, and by a false method of ‘making up the accounts, acquire the fortunes of ‘princes.’—‘It was thus,’ as we are told by Machiavel, ‘that the agents of Lorenzo of Medicis, not a

‘ prince of mean abilities, carried on his trade. The
 ‘ republic of Florence was several times obliged to
 ‘ pay the debt into which their extravagance had in-
 ‘ volved him. He found it convenient, accordingly,
 ‘ to give up the business of merchant, the business to
 ‘ which his family had originally owed their fortune,
 ‘ and in the latter part of his life to employ both what
 ‘ remained of that fortune, and the revenue of the
 ‘ state, of which he had the disposal, in projects and
 ‘ expenses more suitable to his station.’

‘ No two characters,’ continues Mr. Smith, ‘ seem
 ‘ more inconsistent than those of trader and sovereign.
 ‘ If the trading spirit of the East India Company
 ‘ renders them very bad sovereigns; the spirit of
 ‘ sovereignty seems to have rendered them equally
 ‘ bad traders. While they were traders only, they
 ‘ managed the trade successfully, and were able to pay
 ‘ from their profits a moderate dividend to the pro-
 ‘ prietors of the stock. Since they became sovereigns,
 ‘ with a revenue which, it is said, was originally more
 ‘ than three millions sterling, they have been obliged
 ‘ to beg the assistance of government in order to avoid
 ‘ immediate bankruptcy. In their former situation,
 ‘ their servants in India considered themselves as the
 ‘ clerks of merchants; in their present situation, those
 ‘ servants consider themselves as the ministers of
 ‘ sovereigns*.’

When the mercantile spirit, however, operates on the administration of the sovereign functions of a state when exercised by an individual, and for the space of a lifetime, the evils produced are trifling, compared to that which they occasion when they affect a body like the Company—where the interests are permanent in

* Wealth of Nations, book v., cap. ii., p. 244.

their operation—the members numerous, and in a perpetual state of fluctuation—and the power acquired by no right—exercised with scarce any responsibility,—and with none at all to those subjected to its influence. A man becomes a proprietor of India stock as an advantageous manner of investing capital. He becomes a director for the sake of the patronage or consequence which it gives him. The Court of Directors is composed partly of merchants, who may never have quitted their own country,—partly of gentlemen who have resided as civil servants of the company, or military men in their service—or as traders on their own account in the various settlements of the East; and from this heterogeneous body the directing lights and influence, with respect to the Indian empire, emanate. The only principle which can permanently operate upon them is an attention to the one object, that the territory upon which their property is secured should not be lost. In such a body no interest in the prosperity of the people, beyond the general well-meaning of philanthropy, can exist,—a motive which, in all ages, has been found useless for political purposes, when the governed are left with no better security for the promotion of their welfare. In such a body no steady pursuit of a political purpose can be maintained, were they stimulated by more powerful inducements, and guided by better lights; and having sought their situations for the advantages they confer, there is a constant inducement kept alive by the accession of new members to make the most of them. A remote advantage, however great, is nothing to the individual, or the body of individuals, who for the moment compose the directors of the Company, compared with the most trifling immediate prospect of benefit by which they may hope to profit. The interests, there-

fore, which affect the trading sovereigns of India are of a widely different and more pernicious kind than those which operate in other princes, who may addict themselves to the same unkingly avocation. Had the Company no mercantile interests to vitiate their spirit of government, they are much worse calculated to govern than any form of constitution that ever was devised to exercise the sovereign functions of a state. In ordinary cases the prejudicial spirit of merchandize may be tempered by an interest for the public welfare—by ambition—by the desire of popularity—by the prosecution of a great design, and by the dread of the judgment of posterity; but the company none of these qualifying circumstances can possibly affect—the mercantile character is predominant, and inherent in the constitution, and aggravated by all the circumstances which can render its views short-sighted. The effects of this are visible in the vast country which has fallen under their dominion. A genial climate and a prolific soil are but the *natural* causes which enable a country to maintain with the rest of the world an advantageous commerce, but the inert rudiments of a prosperity which other circumstances are to develope. It is industry and genius which founds upon them the superstructure of human society. What is it that promotes the perfection of the arts? the competition and emulation of a class of men sufficiently opulent to be able to pay for every enhancement in the quality of the existing supply, and to purchase eagerly whatever shall be an object of admiration to others. What is it that enables a community to maintain a numerous body of industrious artisans, and to labour cheap in proportion to its natural facilities of production?—a general diffusion of wealth and of easy circumstances, which enables all classes to

command some share of the articles of comfort, convenience, or elegance, which the skill of the people can furnish. With all the defects of the Mogul government, the principles inherent in Hinduism, and the large incomes which the gentry of the country commanded, satisfied these conditions more effectually than, with the disadvantages of the case, could well be supposed; but under the government of the company, the whole fabric of society has crumbled to pieces; the influence of the great principles of demand and supply throughout the population have become nearly inert; and emulation in expenditure, except in the idle ostentation of a religious festival, has entirely ceased. Before India can again exert a commercial influence on the traffic of the world, at all commensurate with that which she is capable of maintaining, the social system must be so far reorganized anew as to promote in a much greater degree the accumulation of capital, and to give a stimulus to expenditure on the part of those who have fixed incomes, by the ordinary motives which induce the opulent to vie with each other in the display of the advantages which wealth can command,—a state of things to which it is in vain to look forward, till the affairs of the country are completely freed from the influence by which the contrary process has been so effectually promoted and carried forward with such rapidity to its final and complete result.

As a means of carrying on the commercial intercourse of the nation with the east, the most ignorant and bigoted monopolist will not now maintain that the Company is an advantageous instrument. They could only enrich the community in so far as they enriched themselves by this trade, and the profits from this source have long been trifling, if there can be

said to have been any. In some circumstances, it may be possible to conceive that in a poor country, just entering on the career of commerce, a joint-stock company might be required to undertake, in some particular branches of traffic, adventures which private capitalists could not engage in, and deserve to be compensated for opening up a field of enterprise of more than usual risk, by an exclusive grant of the sphere of exertion for a limited period; but motives of this sort have long ceased to exist, if they ever had any solid foundation in this country. Capital is abundant, commercial skill at its highest state of perfection, and the eastern trade is not an object to which the national enterprise requires to be allured by any such artificial boon. Monopoly, besides, on such a scale, never before was heard of in the world; three-fifths of the inhabitants of the earth are situated to the eastward of the Cape of Good Hope; and to speak of an exclusive privilege to a few individuals of a community, to trade with more than half the human race (and that at a time when the profitable outlets for capital are gorged in every direction), is such an absurdity as needs only to be stated to be exposed: nor does the evil even rest here. There is nobody at all conversant with such matters, who does not know that the creation of such a right, with the regulations to which it unavoidably gives rise, fetters the free circulation of commerce throughout the world. If it is said that this monopoly no longer exists in the proper sense of that word, I answer that very trifling commercial advantages in the trade of any portion of the earth, (as, for example, the monopoly of the China trade in the East,) are sufficient to determine the competition which should be free, in favour of one party, and to deteriorate infinitely even the narrow field of

speculation in which an approach to competition is permitted ; the possession of sovereign power throughout a vast empire,—the command of its revenues—and the knowledge of this circumstance by neighbouring states, are prodigious obstacles to the fair trading of others, if they turn to little advantage to those by whom they are possessed. They cannot, indeed, give skill or judgment or economy in the management of business—but they are sufficient to secure the advantages of pre-emption in nearly every market, and all the benefits which the favour of despotic governments, or of their agents, can bestow. It is hopeless, therefore, to imagine that a free commerce, such as alone will enable the nation to derive from the Indian trade the advantages which it can afford, can be reconciled with the character of a body like the Company, exercising the sovereign power over an immense territory which forms the centre of eastern affairs. It is equally vain to expect that these measures of government ever will be pursued by an administrative power constituted like that by which our Indian possessions are ruled, which can alone develop the principles in society on which commercial prosperity depends, and which qualify a nation to enter as an active and efficient element in the circle in which the traffic of the world revolves.

It may be safely said, that the formation of a system for India, calculated at once to answer the administrative purposes of government to the people of that country,—to preserve its dependence on this,—and to connect it with the internal constitution of the kingdom, without impairing its purity and vigour, is one of the most difficult problems ever presented for solution to the sagacity of a statesman. On the wide field which the discussion of this subject presents, it is

not my intention to enter. It requires for its investigation much careful and laborious reflection, and above all, a survey at once accurate, minute, and comprehensive, of the physical, moral, intellectual, and political circumstances of the people. Institutions which may be in themselves every way admirable, were human nature in all cases the same, are rendered perfectly useless from their inaptitude, when proposed to be applied to conditions of mankind in which a knowledge of these principles, and the active causes in society which must give these principles effect, are alike wanting. The remark of Solon, that he had given the Athenians not the best laws, but the best that they were capable of receiving, must indicate to every reflecting statesman the necessity of ascertaining, in the first instance, as nearly as possible, what the actual condition of a people demands*. The

* Montesquieu has briefly touched on this subject. His remarks, however, are worth the quoting.

‘Cette matire,’ says he, ‘est d’une grande étendue. Dans cette foule d’idées qui se présentent à mon esprit, je serai plus attentif à l’ordre des choses qu’aux choses mêmes. Il faut que j’écarte à droite et à gauche, que je perce et que je me fasse jour.’ After this preface he proceeds: ‘Rien ne parut plus insupportable aux Germains (a) que le tribunal de Varus. Celui que Justinien érigea (b) chez les Laziens, pour faire le procès au meurtrier de leur roi, leur parut une chose horrible et barbare. Mithridate (c) haranguant contre les Romains, leur reproche surtout les formalités (d) de leur justice. Les Parthes ne purent supporter ce roi, qui, ayant été élevé à Rome, se rendit affable (e) et accessible à tout le monde. La liberté même à paru insupportable à des peuples qui n’étoient pas accoutumés à en jouir. C’est ainsi qu’un air pur est quelquefois nuisible à ceux qui ont vécu dans des pays marécageux.

‘Un Vénitien nommé Balbi, étant au Pégu (f), fut introduit chez le roi. Quand celui-ci apprit qu’il n’y avoit point de roi à Venise, il fit un si grand éclat de rire, qu’une toux le prit, et qu’il eut beaucoup de peine à parler à ses courtisans. Quel est le législateur qui pourroit proposer le gouvernement populaire à des peuples pareils ?’—Montesquieu, lib. xix. cap. 1 and 2.

(a) Ils coupoient la langue aux avocats, et disoient, ‘Vipère, cesse de siffler.’—Tacite.

(b) Agathias, lib. 4.

(c) Justin, liv. 38.

(d) Calumnias litium.

(e) Prompti aditus, nova comitas, ignotæ Parthis virtutes, nova vitia.—Tacite.

(f) Il en a fait la description en 1596. Recueil des Voyages qui ont servi à l’établissement de la Compagnie des Indes. Tome iii. P. I. p. 33.

state of human nature in India, modified as it is by the institution of caste,—by the artificial limitation of wants,—by the authority of an hereditary priesthood,—by a mystical religion,—by the total absence of the spirit of patriotism—by the long suspension of the right of property in land,—by the physical influence of climate,—by ages of oppression,—and recently, by the breaking up of all the political relations and institutions which had left the least impression on the people,—presents an aspect of things so artificial, so complex, and so totally unlike all that is to be seen and known of mankind elsewhere, that nothing but a careful examination and classification of the facts can qualify any man to see his way through it with views sufficiently clear and decided to enable him to fashion even a general conception of what can be done.

With respect to the forms of the government, as constituted in the mother country, although I entirely agree with Mr. Smith that ‘it seems impossible, by any alteration, to render these Courts (those of the Directors and Proprietors) in any respect fit to govern, or even to share in the government of a great empire*’—yet this incapacity is I conceive to be in a great degree confined to the administrative government over the people; and to the exercise of any part of the executive functions of sovereignty. The relation subsisting between this country and the territories of the Mogul Empire is the most unnatural and extraordinary occurrence in the constitution of a state to be found in the experience of mankind; and it is, therefore, impossible to expect that such a case should ever be provided for by the ordinary expedients of government, or indeed by any expedients

* Wealth of Nations, vol. iii. book v. cap. i., p. 10.

that shall be wholly unexceptionable ; and if effectually purged of the mercantile spirit, I am of opinion that, with certain modifications, these courts might enter most usefully, at least for a time, (till better means are suggested by experience,) into the system by which the affairs of India are to be combined with this country, and by which the constitution of England is to be kept as free as possible from contamination by an alliance with the concerns of this vast and extraneous empire. In India also it is not only desirable, but indispensably necessary, that much of the present forms and methods of conducting business should be preserved ; and these forms will more conveniently connect themselves with the existing channels of business in this country than with any entirely new organ of government that could be substituted for them. However defective the circumstances may be which inspire the prevailing views and motives of government, the unavoidable consequence of experience in the administration of the affairs of so vast an empire is to bring about some adaptation (however imperfect) in the operation of the foreign power, to the previous institutions and habits of the people, —to introduce many wholesome and useful regulations, and to give rise to a set of official forms and usages of procedure which are transmitted from one class of servants to another, and which are doubly valuable where the continual succession of those who fill the public situations deprives the first comers of all personal acquaintance with the inhabitants of the country whose affairs they are to direct.

On the remaining subject, which has formed so favourite a topic of popular declamation—I mean the abolition of negro slavery—I wish also to say a few words. In the estimate I am disposed to form of the

enormity of the guilt of this villanous traffic and iniquitous system of oppression, I am ready to go as far as any man. It is undoubtedly a crime, crying aloud to the providence of God for vengeance, and provoking the arm of everlasting justice to strike. It is absurd to say that a class of men are born in slavery, and to the inheritance of the wretched condition derived to them from their parents. Every man necessarily comes into the world in the full possession of his natural rights ; and whatever withholds them from him against his consent, is a wrong and an injury, as much as the act which forcibly deprives him of their enjoyment. But it is a mistaken idea to attempt to redress one iniquity by committing another. It is a mighty convenient thing for men of piety and tender consciences to be just and humane at the expense of others ; but there is no virtuous act without a sacrifice on the part of the performer ; and if these gentlemen are really sincere in their abhorrence of the injury done to so many of their fellow-creatures, it is necessary to do more than to declaim against the crime, or stimulate the feelings of the people to the spoliation of the property of others. We must contribute, at the expense of our own selfish interests, to their relief. ‘*Deus est mortali juvare mortalem et hinc ad æternam gloriam via.*’* It cannot be questioned, that by legalizing the investiture of property in the purchase of slaves, the law guarantees that property, and that the practice of slavery becomes the act of the nation, and cannot be particularized to that portion of the community who happen, for the time being, to hold this obnoxious species of possession. Family connections, bankruptcies, sales for distress, inheritance, have placed it in the hands of many

* Pliny.

who would, as a matter of taste, never have wished to have made the acquisition. In common honesty, therefore, if the right of property created by the law in the Negro population of the West India islands is to be abolished, it can only be extinguished by its purchase from its actual holders by the community, and the public acknowledgment that the original institution by the law of such a right was an act in itself invalid and illegal. I have myself visited these countries, and though I cannot pretend to a lengthened experience, the inquiries which I was enabled to make there, render me extremely doubtful whether the evils of Negro slavery, however enormous, be susceptible of immediate remedy. It is one of the misfortunes sometimes attending abuses of long standing, that they cease to be susceptible of sudden abolition, —as a person labouring under chronic disease cannot safely be put at once on the diet of the healthy. The West India colonies are, in the strict sense of the word, *plantations*, countries, not, properly speaking, *colonized or peopled*, but *stocked for cultivation*, on account of peculiar aptitude of the climate and soil for the growth of particular descriptions of produce. The proprietors of the soil, with rare exceptions, do not reside; and the labour of the inhabitants is not employed for their own maintenance, but exerted for the benefit of the European owner by whom their food is chiefly supplied. The value of the article raised is infinitely more valuable than the food to be procured elsewhere for an equal outlay of capital and labour, and the consequence is, that the slave labour is reserved for the more profitable purpose. From this slight view of the matter it will be evident, that were the slave population at once emancipated, there is no place in society for them to fill as free inhabitants.

The comparisons that have been instituted between free and slave labour have been made between the slave and the inhabitants of civilized and industrious communities, where the usual social relations exist, where the moral obligation of strenuous exertion is inculcated by precept and example in early life, and stimulated by more various wants on the one hand, and by a demand for hands on the other, that secures to it a remuneration ;—but among the negroes the listlessness of the savage is still so far predominant in their nature, that, probably, if the influence of compulsory labour were withdrawn, they would, under no circumstances, when free, be induced to exert themselves in any adequate degree, till their habits had, in the course of generations, undergone a complete change. With the want of a resident gentry, and of all the intermediate gradations of society, a sufficient inducement to labour would be wanting even to an industrious population, and none at all would exist capable of communicating industry to the idle. With the fertile soil and climate of these islands, a very small portion of provision-ground, and a very trifling labour, would furnish all that is required to supply the simple wants to which the slaves have been accustomed, and the rest of their time would be spent in the enjoyments which they value—the dissipation and the indolence of savage life. It is manifest that the land in this way never could be made to yield any considerable rent from a tenant, and the value of the land itself is so small, compared with the value of the labour by which it is cultivated, that it would be next to impossible to extract any aid as cultivators from the negroes, in return for the very small proportion of provision-land that they would require for their support ; and were exorbitant demands of this sort at-

tempted, they would infallibly, if free, emigrate to the neighbouring continent, where they would find no difficulty (from the different state of society) in obtaining either any species of remuneration for their labour they might require, or the opportunity of settling as cultivators on their own account. The emancipation of the negroes, therefore, by any other means than the operation of a process which should modify the condition of mankind in these islands generally, by bringing about an entirely new method of managing landed property, seems to me to be beset with infinite and insurmountable difficulties. The immense capital, besides, which has been invested in these islands, and in the trade of which they form the centre, makes it an object of much consequence in the adjustment of this question, that time should be given for the withdrawing of the redundant capital from this occupation, and its employment in some other way, and for the introduction of some steady cause which should lead progressively to such a transfer.

If the slave population is to be emancipated, the profits from West Indian property must be very greatly reduced, and this reduction had better be made by degrees, so as to allow matters to accommodate themselves to the change. For this purpose, I see nothing more likely to succeed than to encourage the competition of East India produce by some small reduction of the duties, and the institution of a fund (either by voluntary subscription among those who are anxious to rescue their fellow creatures from a humiliating bondage, or by the direct application of a part of the national revenue for the purpose) for the purchase and annual emancipation of a given number of slaves, proportioned to the local capacity of employing free

labour. The enhancement which this increased demand would produce in the value of slave property would in some degree compensate the loss arising from the depreciation of produce; and were this not adequate to the end, there are other means which might be resorted to, to indemnify the West Indian capitalists for the encouragement given to a rival settlement.

It will not be supposed, I hope, from the tenor of these remarks, that I am in any way insensible to the magnitude of the evils to which some of them refer; but I was anxious to present the subject to the reader, not as a matter of declamation calculated merely to rouse the feelings of the people to a blind indignation against abuses which it is much easier to point out than to cure—but in the point of view in which they ought to be considered, if they are to be handled with any reference to practical measures which may either remedy or mitigate their effects: ‘Infant graduates in Parliament (says a speaker in the Commons in 1640) ‘may groan out the grievances of a diseased commonwealth, but they must be doctors in the art of government that can apply apt remedies to recover it.’ *Hinc dolor—sed unde medicina?*

I have purposely avoided a style at all argumentative, because I venture to flatter myself that your Lordship’s views do not differ very widely from my own, and that the weight of your authority may be able perhaps to recommend caution to others in a case in which it is much safer to do a great deal too little than a little too much; and as I prefaced this statement with a motto from one Greek poet, I shall conclude it with a quotation from another, hoping that, if your Lordship shall be pleased to recommend the

consideration of such views to others, you may meet with that attention to which your prudence, experience, and reflection ought to entitle you.

Οὗτος μιν παναριστος ὅς αὐτῷ πάντα νοήσει ;
 Φρασσάμενος τὰ κ' ἐπιτα καὶ εἰς τέλος ἦσιν ἀμεινῶ.
 Ἐσθλὸς δ' αὖ κακίῳ ὅς ἐν εἰπόντι πίβηται.
 Ὃς δὲ κί μητ' αὐτὸς νοήῃ, μητ' ἄλλου ἀκουῶν
 Ἐν θυμῷ βαλληται, δὲ αὐτ' ἀχρεΐος ἀνὴρ.*

* 'He is the best man who of himself thinks wisely; reflecting what is most advantageous for the future and on to the end. But he is a good man, too, who can take a hint from one who offers him a valuable suggestion. But 'the man who can neither discover the truth for himself, nor apply his mind to take it up from another—he, on the other hand, is useless.'

APPENDIX.

SINCE the preceding pages went to press a ministry has been formed, committed as to the measure of reform; and, consequently, if they continue in power, the question is reduced to the discussion of the nature of the evils to be avoided in the steps which they may deem it expedient to pursue. In my humble opinion, it certainly would have been better not to have agitated the subject at the present moment. The state of the representation is not in any way the source of any of the evils which the people actually endure. The starving multitude ask for bread, and you offer them a stone—which cannot relieve their craving wants. The industrious classes, whose ingenuity and labour have raised this country to its present state of wealth, implore you to put it once more in their power to earn a decent subsistence, by enabling them to carry the riches of the country still further,—and you answer,—Never mind your distress, you shall have the honour of voting for a member of parliament. To this I suppose I shall be told, that this is a mis-statement of my adversary's argument, and that the views of the reformers are dictated by a belief that the legislature, as at present constituted, will not carry the measures which they conceive necessary for the relief of the people. But if this is their argument, then I reply, that the plain import of such language

is—reduce the parliament to a condition in which they must comply with your remonstrances, and then they must grant you whatever you please. I utterly deny that there is any indisposition on the part of the legislature, as at present constituted, to carry into effect any measure that shall present a reasonable prospect of relieving the distress of the people, or of removing the stagnation of industry—but no man can suppose that such an effect can be produced by any other means than the firm, and steady, and persevering pursuit of a system of policy directed to this object; and the views of the reformers will render firmness and steadiness, and the continued pursuit of a purpose, impossible. Look around the country to the real source of the evils which press upon the people, and which rouse them to action. Does any man rise up to resist the government, or to assail the rights of others, because he finds it intolerable to be debarred from going to the hustings and polling for a member of parliament; or does any body suppose that, by conferring on him this privilege, his clamorous importunities would be stayed? The people are groaning under the pressure of real grievances, but are incapable of tracing their sufferings to their true causes. They find that the demand for their labour is gone; that the most strenuous exertions will hardly furnish a meal to their famishing children; and the mistaken charity of the poor laws comes in to stimulate the principles of population, and to encourage an improvidence, the fertile source of misery and of crime. But how the times have altered for the worse, or why they should restrain him from gratifying his animal propensities, are points which he has neither the sagacity nor the sense of moral obligation to solve. Under these circumstances, a number of men, some

of them of eminent ability, many of them possessed of high station, and all of them professing themselves to be zealous friends of the people, and actuated by a generous sympathy for their sufferings, are at infinite pains to assure him that it is all owing to his not having a vote for the member who represents the county or burgh in parliament. It is not worth while to inquire, whether those who make these representations are seriously persuaded that there is any real connection between the effect and the cause which they assign for it, or whether, induced by the tactics of a party warfare, they are only led to act upon the grievances of the people as a means of gaining adherents to a measure sure to be obnoxious to their opponents.

But were the question of reform carried as far as its most sanguine admirers could wish, we may be pretty well assured the privations of the industrious classes would be just where they were. *Quicquid quæritur optimum videtur* ;* and, considering the pains taken to rouse the people to the pursuit of the present object, it is surprising how lukewarm they are in the cause. In party meetings, got up for the purpose of promoting the measure, an eagerness sufficiently vehement indeed appears ; but among the classes of the community who are the objects of relief, and whose sufferings are the indication of the real evils of the state, no spontaneous movement towards the furtherance of reform in parliament is to be perceived.

Look, my Lord, into the cottage of the peasant, and you will see misery, and famine, and disease. The hopelessness of acquiring an existence by honest exertion, extinguishing all shame in parochial relief,

* *Petronius Arbitr.*

and leading the people, not unjustly, to consider it as a right which they are entitled to claim from the society whose vitiated state denies them the means of earning it for themselves. There you will see the restraining principles which ought to act upon population completely frustrated in their effects;—the multiplication of the species, regulated neither by the demand for labour, nor the means of subsistence, nor the necessity of submitting to the obligations of the nuptial contract. Look, my Lord, at the boundless prodigality of wealth in the houses of the opulent—at the refinements of a pampered and luxurious sensuality—at the shameless profligacy by which you are surrounded in the upper ranks of life, and which is *descending* (as all imitation operates) through the other classes of society to the lowest, (growing ranker and more hideous as the soil has less cultivation and refinement,) to sap and dissolve in their source the primary bonds of social life*—such has been the process by which the decline of all states has been marked which have perished from an excessive inequality in the distribution of wealth, and the general corruption of manners to which it gives rise.

Fœcunda culpæ sæcula nuptias
 Primum inquinavere, et genus, et domos :
 Hoc fonte derivata clades
 Inque patres populumque fluxit
 * * * *
 Hic omne principium, huc refer exitum.†

Look at the injurious influence of the tythe system upon the efforts of industry—look at the many oppressive imposts which bear upon produce—look at the

* Filiolo tuo te delectari lætor, et probari tibi *φυσικὴν* esse, *τὴν πρὸς τὰ τέκνα* etenim si hoc non est, nulla potest homini esse ad hominem naturæ adjunctio ; qua sublata, vitæ societas tollitur.—*Cicero*.

† Hor. Carmin. 3, 6, 17.

immense weight of taxation generally, which acts as an overwhelming drawback to the commerce of the nation with the rest of the world,—and you may form some estimate of the real causes of the misery and consequent vices of the people.

It is manifest, that for these evils a reform will afford no remedy whatever; and when it has been tried and found perfectly unavailing, there will no longer be any tub to the whale, nor any means left of diverting the people from the perception of the very obvious source of their sufferings. These mischiefs are deeply seated in the state of society, and are the result of a long period of impolicy, or, if you will, (without questioning the expediency of the gigantic efforts the nation was called upon to make,) of a long period of profuse expenditure, and of other causes of at least as considerable a standing, and cannot be suddenly or speedily cured by any measure, or system of measures, which it is possible to adopt. What can be done by retrenchment ought certainly to be done, because, in the present case, nothing is to be neglected that can contribute to relieve the nation; but all that can be effected in this way will afford little mitigation to the sufferings of the people. The most sanguine projector cannot imagine that the expense of the public establishments and service can be diminished a half, or a fourth, or a fifth; and if it cannot, what a small proportion will the saving bear to the forty-seven or forty-eight millions levied on the country, and how little an effect will such a diminution of the public burthens have in rousing the dormant and oppressed energies of the national industry. And here let me remark how little people unaccustomed to reflection on these subjects, are capable of perceiving the operation of a principle, even when it is stated to them, or the man-

ner in which it affects the interests of society. The savings of retrenchment, or the capital set free by the remission of taxation, do not act beneficially, as one gentleman stated, because they 'are left to fructify' among the people, because there is ample capital in the country if it could find employment: neither can the welfare of the country be usefully promoted, as others have supposed, by cheapening the luxuries of the poor, which act only as a donation of so much charity*. What is wanted is to create such a general,

* I may here remark, that the most honourable and well meant liberality evinced by some landlords in diminishing their rents, on condition that the farmers should raise proportionally the wages of their labourers,—that the poor-rates themselves,—and that whatever expedient has the effect of forcing the remuneration of the operative classes above the level to which the rate of annual *profit on the whole aggregate produce of the land and labour of the country* reduces it, although certainly in so far an effectual means of mitigating for the time the existing suffering, is only accelerating the operation of the process by which the country is impoverished. The fall which has taken place in the rate of wages is in reality the natural effect of the *vis medicatrix* of society, by which the system seeks to relieve itself of the evil by which it is oppressed; and to pay labour at its present productiveness beyond what the value of the produce can afford, is simply to consume so much capital for this purpose, or to diminish by so much the profits from which capital accumulates.

The limits of my subject will not allow me to enter more into detail with respect to these important questions, and I must, therefore, content myself with asserting here, what it would be easy to prove, that the amount of annual profit, and consequently the rate at which capital accumulates, will be mainly determined by the annual *profit on the foreign trade*; (it is this fact, by the way, which I believe led to all the misconceptions about the balance of trade;) and consequently, that the great object to accomplish is to keep down prices; and the low rate of wages is the natural effort of the system to produce this effect, first, by diminishing the cost of production, and secondly, by compelling the artizan to labour harder for his livelihood. In order to afford effectual relief to the country, then, the object to be accomplished is to find means to leave the rate of profit unimpaired, while the pressure on labour is diminished. As the *amount of produce ought naturally* to regulate the remuneration of labour; and if paid in *coin*, the *money value* of produce *must always* regulate wages; the Truck system, which has been so much reprobated, may be considered an attempt to effect a composition between these two principles, the depreciation of the *money value of produce* rendering it more convenient for the capitalist to give an *increase* of wages from the produce than in coin.

In these times the zeal for reform and amendment had need to be under the direction of clear views and a sound discretion, or what is bad will be made much worse.

steady, and sustained demand for labour, as shall afford the labourer a comfortable remuneration, while the annual produce of the country, which is the national wealth, is at the same time again made progressively and more rapidly to increase; and till this is done, nothing is done for the remedy of the distress, or the cure of the evils which the community endure. The suffering might, I conceive, be in some degree soon alleviated; but the people must expect for a time to suffer, till principles can be put in operation likely to procure them more effectual relief.

If the measures of reform to be adopted do not bring the lower house of the legislature more under the influence of the popular interest, it will, I conceive, in the sense of the reformers, be perfectly nugatory; and in whatever degree it does, it must diminish the power of resisting an immediate compliance with all future demands of the people. If it does not at once lay the legislature prostrate at their feet, it will be employed by the more ultra reformers as a mere engine to facilitate the introduction of still further inroads on the constitution; and in the end it will entirely destroy the present governing principle of the nation. When they have obtained the power in their own hands, can it be supposed that the people will continue to suffer, amid the immense opulence of the country, till the tardy operation of measures of policy shall have restored the community to a healthy condition? Their feelings will be in sympathy with those of Ovid:

‘ Nos quoque, quæ ferimus, tulimus patientius ante;
 ‘ Et mala sunt longo multiplicata die,’

and when no restraint can be imposed on them, they will take the shortest road to a remedy.

There are two ways, and only two, by which they

can be immediately and effectually relieved. The one by a national bankruptcy, and the transfer of a large portion of the real property of the country from its present possessors to the fundholders, to effect a composition with the national creditor; and the other, by something in the shape of an Agrarian law, by which a portion of the wealth of the rich may be made available for the use of the poor:—and to one or other of these measures the legislature will be driven, if laid open to the popular impulse. The poor-rates may be considered, indeed, as a slight modification of the latter principle, and will readily suggest to the multitude its more enlarged operation*.

I have already had occasion repeatedly to remark how much government was a function of society, and how much the natural structure of society is competent to the discharge of the offices of government for itself, without the aid of artificial institutions or contrivances. In truth, it would seem, that, in proportion as the

* There are few things capable of immediate execution which would be more palatable to the people, and do more good, than a revision of the tithe system. It is a singular want of judgment which tends to render religion odious to the large body of the nation, by raising the funds applied for the maintenance of its establishments by a *direct tax upon improvement*, and assigns to its ministers the degrading and obnoxious office of the tax-gatherers for its collection. Nothing can be more absurd than the language which is held about the property of the church. The salaries of the ministers of religion are, like the salaries of every other description of the public servants, a portion of the national resources applied to their support, as the salaries of the judges and of the officers of the army and navy, to which *the right* is of one and the same kind, viz. the right to a remuneration for the performance of a public service. That these funds have been provided for in a different way is a question with which those who enjoy them have nothing whatever to do. It concerns the right of those who originally alienated their right of property, and they undoubtedly contemplated the benefit of the community and the honour of God, and not the interests of the incumbents to whom the usufruct of the property might be transferred. Many of the benefactors to the church were pious Catholics, who never meant to provide funds for Protestant divines. I have no wish, for one, to see the revenue applied to the support of religion, or the decent splendour of its ministers diminished; and if these objects are secured by means less expensive and injurious to the community, any right that is worth consulting must be considered as fulfilled.

social system becomes more and more perfect, the more capable it will be of discharging for itself the various public duties which society requires. The great error in the legislators who have formed constitutions for mankind, has been indeed attempting to provide, by arbitrary institutions, and by artificial means, for those purposes which they saw were to be accomplished. The writers who have speculated on government have in general divided its functions into the Legislative, the Judicial, and the Executive powers. Of the manner and degree to which society may contribute to the two former offices, it is not at present my purpose to speak. Of the legislative power, I must remark, that a deliberative council might be formed, entirely destitute of all inherent power of executing its own decrees, or of rendering them obligatory on the community, as was nearly the case in the Roman senate; where the executive power of the state consisted in reality entirely of the armed force, which in the end extinguished the whole constitution. Besides, however, the executive function, which is required to provide for the common defence, and for the maintenance of the public peace, or the suppression of violence exerted against the authority of the state, there is another office which is properly a part of the executive power, viz. that of rendering the decisions of the legislature obligatory on the community; and where no means are taken either by *Comitia*, or other popular assemblies, to gain the assent of the people to the public decrees, this executive office has to be supplied and provided for, in the same way as the other, as in despotic states, where the mandate of the prince goes forth, and those who dare to dispute it are dragooned into obedience. It is not to be supposed that the natural authority of the legislative council should ever

be rendered so absolutely perfect as to make its decisions *executive* on the community, without some aid from a disposable force acting under its direction ; but in whatever degree it can dispense with such extraneous assistance, and secure the obedience and concurrence of the community, by its own weight with the nation, in that degree does it approach, as a legislative and governing *power*, to perfection.

A government of this description, it is plain, is only to be formed by a representative system,—embodying so effectually the sources of real power among the community, as to render its decisions in a great measure imperative upon the nation*. Without at all asserting that the representative system of this country is so perfect as to be susceptible of no possible improvement, it may be affirmed, on the best of all evidence—that of experience, to have accomplished the great ends of such an institution in a very satisfactory degree. The times when it was true that the power of the Crown had increased, was increasing, and ought to be diminished, are gone by ; the evil was temporary and incidental, and no longer exists. The diffusion of knowledge, and the altered state of the world, have changed men's notions immensely, in the course of the last thirty years, on the subject of government ; and during the ministry of Mr. Pitt, when the authority of the minister was most irresistible, it mainly owed its influence to the immense expenditure, which in itself was a vast engine of corruption,—which soothed the nation into submission by the temporary ease of circumstances, and the pros-

* These general views, which I am now stating, are to be taken with some limitations ; but it is impossible, in a rapid sketch of this sort, to enter into the modifications with which they are to be received, or to do more than trace an outline to answer the purpose of illustration.

perity to which it gave rise,—and which, by the great scale of the financial loans, rendered the minister omnipotent with the monied interest, and secured to him all the influence which the capital of the country could command through all its multifarious ramifications. Since then public opinion has asserted an influence on the national councils as great as it is desirable that it should possess under any circumstances, and which it would not certainly be expedient to increase at the moment when measures so critical ought to be attempted for the relief of the people. These it will require the whole authority of the legislature to carry into effect, and great firmness in the administration of its power ; and whatever shall tend materially to weaken the governing principle of the state, will in those times be undoubtedly the prelude to confusion.

To those who may imagine that no danger can arise to public liberty from the preponderance in a state of the popular interest, I beg to observe, that the distinction which has been made in government into Despotisms, Mixed Monarchies, and Republics, is altogether indefinite and unsatisfactory. That a community may be as free as any that has existed in the world, where the chief magistracy is an individual and hereditary office ; and that a tyranny as odious as that exemplified by the worst form of oppression, may be exerted where the supreme power of the state is vested, without adequate means of control, in the hands of many ; that all the republics of Greece, without any exception, were really *municipal* governments ; that the government of Rome was in its origin a *municipal* government, and incapable of subsisting as a territorial government * ; and that all the republics which

* What enabled Rome to extend her dominions, was not the form of her government, but the organization of her military power, which fitted her for

have existed in Europe have been more or less founded on the same municipal models,—have all been permanent, only among very limited communities, and are totally inadequate to give effect to the principles of political association among a numerous population, diffused over an extensive territory. It is needless to enter here into an examination of the constitution of the governing power, and the checks to be provided for it in a real and genuine republic. In this country, although the governing power of the state is formed very much, though by no means entirely, on the principles of republicanism, it is totally destitute of the checks which can alone be effectual in such a system of government. Its checks are of two descriptions, natural and artificial, and both of them differing totally in kind from those that will be operative in a republic,—natural, in so far as the popular power is balanced or qualified by the power of a *natural* aristocracy,—artificial, in so far as it is controlled by the conventional power and influence, or prerogative vested in the king, neither of which, it is self-evident, can be available in a republic, or have effect given to them by its forms.

As a practical illustration of the evils incident to the weakening of these checks in the English monarchy, I may appeal to the history of the Long Parliament, which sat from 1640 till it was forcibly dissolved by Cromwell in 1653. No House of Commons certainly ever did so much as that body for the liberties and constitution of the kingdom; but it had usurped, if I may so express myself, a sort of popular dictatorship, and the force that was requisite to break

conquest. The only check to this was its division; and the moment it became united, the Imperator or commander of the troops became the Imperator (Emperor) of Rome herself, and all her acquisitions.

down the remnants of illegal power, and the still more absurd and injurious pretensions to inadmissible prerogatives, and a divine right to exercise them, was neither necessary nor fit to govern the nation.

The House of Commons was then, by the force of circumstances, placed in a great degree, as a governing power, in the situation in which it would stand now were it cleared of the aristocratical influence which it derives from its indirect connection with the nobility, and brought more under the authority of the will of the people. It was, in fact, the organ of government of the whole popular part of the kingdom, and had completely concentrated in itself the direction of all the physical strength they could supply. The influence of the king it had set at defiance ; and, before it had sat two years, it had reduced the House of Peers, as Lord Clarendon remarks, to the condition of its servants*. The vast and overwhelming power

* After long treating the Lords with the most signal contempt, they came at last to their memorable resolution which dissolved the *forms* of government, as well as the substance.

‘ Resolved, &c. That the Commons of England, in Parliament assembled, do declare, that the people are, under God, the original of all just power.

‘ And do also declare, That the Commons of England, in Parliament assembled, being chosen by and representing the people, have the supreme power in this nation.

‘ And do also declare, That whatsoever is enacted, or declared for law, by the Commons in Parliament assembled, hath the force of a law ; and all the people of this nation are concluded thereby, although the consent and concurrence of King, or House of Peers, be not had thereunto.’

This remarkable declaration was so completely at variance with their own situation, that they had not influence with the community to induce the smallest effort in support of their authority. They were speedily after (as the tools of Cromwell and his faction) led to depose and execute the King,—and superseded, without a struggle, by a government of force, more intolerable to liberty than that which the nation, under its natural constitution, had so nobly and successfully resisted.

The thorough acquaintance which Cromwell had acquired of the state of the country, from his intercourse with the inhabitants of all parts of it during his military service, made him perfectly aware of the contempt into which the Parliament had fallen, and their total want of all inherent power of acting on the

which this assembly exerted was not created, it is plain, by the weight and influence of its members with their constituents, but by the manner in which it was subservient to the popular will.—Its power remained undiminished after the secession of a large part of the House to the king at Oxford.—It was perfectly unable, even after all its military successes, to make head against the influence of the Independents; and so totally inefficient was it as a governing power, and so nearly destitute of all influence with society, but that which it derived from its subservience to the popular objects, that the nation could no longer be brought to recognize its authority. Whitelocke, a contemporary writer, and himself a member of the house, observes, ‘That it ‘was strange to see how several counties, with the ‘citizens of London, began to make all their applications to the general and army, omitting the parliament; all looked upon the army in the chief place, ‘and were afraid of doing any thing contrary to ‘them *.’

resources of the nation; and it was, according to his own account, the conviction of this fact, that led him to the apparently daring step he took for their dissolution. Nothing can be more forcible than his own statement in his speech to the second Parliament assembled by writs from himself in 1654. ‘I knew ‘it,’ says he, ‘better than any one man in the Parliament could know it, (because of my manner of life, which was to run up and down the nation, and so ‘might see and know the temper and spirit of all men,—the best of men), that ‘the nation loathed their sitting:—I knew it—and so far as I could discern, ‘when they were dissolved, there was not so much as the barking of a dog, or ‘any general and visible repining at it.’

It was the great object of the policy of Cromwell to crush the authority and influence of the natural aristocracy of the country, which he had penetration enough to see was the bulwark of the national liberty, and the great obstacle to his ambitious schemes. We are told by Lord Holles, ‘that General Cromwell ‘declared to the Earl of Manchester his hatred of the nobility and House of ‘Peers, wishing there was never a Lord in England; and saying he loved such ‘and such, because they loved not lords; and that it would not be well till he ‘was but Mr. Montague.’—Memoirs, p. 18.

* It is not a little remarkable that one of the measures attempted to be forced by the mutinous army under the influence of Cromwell and Ireton on the

At this time the real sources of power in the Parliament were by no means so completely weakened, nor rendered so destitute of the aristocratical influence of the kingdom as they would be by any measure of reform that would at present bring the House of Commons under the control of the people. The feudal powers of the landed proprietors were much more entire. Many of them were able, during the civil war, to levy their tenantry, (even in some cases against the will of the tenants,) and bring them into the field along with them. The various other interests of the kingdom had not acquired such consequence and inde-

House, as a means of destroying what authority the Parliament retained, was this very expedient of reform.—‘And because,’ say they, ‘the present distribution of elections for Parliament members is so very unequal, and the multitude of burgesses for decayed or inconsiderable towns (whose interest in the kingdom would in many not exceed, or in others not equal, ordinary villages) doth give too much and too evident opportunity for men of power to frame parties in Parliament to serve particular interest, and thereby the common interest is not so much minded, or not so equally provided for; We, therefore, further desire, that some provision may be now made for such distributions of elections for future Parliaments, as may stand with some rule of equality or proportion, as near as may be, to render the Parliament a more equal representation of the whole: As, for instance, that all counties or divisions and parts of the kingdom (involving inconsiderable towns) may have a number of Parliament men allowed to their choice, proportionally to the respective rates they bear in the common charges and burdens of the kingdom, and not to have more; or some other such like rule.’

So little did they understand the principles of liberty, that they completely extinguished the freedom of the press. Besides various resolutions, completely destructive of all freedom of public discussion, we are told, that, ‘at this time, the press was under the severest restraint; and that a committee of the House of Commons, for suppressing scandalous and unlicensed pamphlets, were appointed to meet daily to take special care to prevent the publication of any such; and a sum of money ordered to be paid to informers against unlicensed presses.’ It is needless to add, that, by scandalous pamphlets, they understood all such as presumed to discuss or question the wisdom of any of their own proceedings. They were told in a petition from the county of Hereford, (which they voted ‘to be one of the foulest and most scandalous libels that ever was published or raised against Parliament’)—‘Nor shall we ever yield ourselves such slaves, or so betray the liberty purchased by our forefathers’ blood, and bequeathed unto us, as to suffer ourselves to be swayed by any arbitrary government whatever; or strive with too much contention of spirit, to cast off the yoke of one tyranny to endure many worse.’

pendence, and the government was then exclusively confined to the regulation of the community, appertaining to its natural territory.

It is plain, however, that the country was without a government, that is, without any power capable of giving a steady direction to its affairs. The real power was, as it always must be, in the people. The many or majority of a community must always constitute its natural power of regulation. The nature of the government depends on the species of power or influence which determines or rules this majority, and the forms by which it is exercised. Of this directing power there was none remaining in society, and any organ which gave effect to the prevailing objects which, for the time being, inflamed the enthusiasm of the nation, was omnipotent in the state.

The history of the times affords, besides, abundant evidence of the inability of parliament, or, more properly speaking, of a purely popular and democratical power (for the direction of affairs was in the hands of the commons) to govern the kingdom. The exercise of their authority was in many cases arbitrary, and often oppressive to the last degree*—and so incom-

* ‘Many were the people that were at this time summoned as delinquents by each house of parliament, for the least disrespectful word against any particular member, or the proceedings of parliament, and punished by fine and imprisonment.’—‘Information having been given to the Lords that Edward Sandeford, a tailor of London, had said that the Earl of Essex was a traitor; that all the parliament were traitors; that the Earl of Warwick was a traitor, and wished his heart in his boots; and that he cursed the parliament, and wished Mr. Pymme (calling him King Pynme) and Sir John Hotham both hanged; the said Edward Sandeford was brought to the bar, and asked what he had to allege in his defence; but not being able to disprove the charge, he and the witnesses against him being ordered to withdraw, then the house agreed to the following sentence against him:—

‘That the said Edward Sandeford should be fined to our Sovereign Lord the King in the sum of one hundred merks.

‘That he shall stand on the pillory in Cheapside and Westminster with a paper on his head declaring his offence.

petent were they alone to discharge the functions of administration, that it was found absolutely necessary to create an executive body, acting under an oath of secrecy.

The bringing the House of Commons more under the control of the popular influence might not indeed supersede at the present moment the other branches of the government, but it would undoubtedly both weaken their power and destroy that of the lower house itself, when it attempted to react in restraining the multitude. While it continued to be the organ of popular measures, its power would be irresistible by all the other powers of the government combined; and when it endeavoured to repress the headlong impulse of the people, it would be found wholly inefficient.*

‘That when he shall be taken off the pillory in each place, he shall be whipped from thence at a cart’s tail; the first day to the Fleet, and the second day to Bridewell.

‘That he shall stand committed to the House of Correction in Bridewell, there to be kept to work during his life.’

* I have not thought it necessary to allude to the dangers to the professed objects of the constitution from giving a preponderating power to Parliament by rendering it the organ of popular sentiments; but let me remark the extreme uncertainty which it would introduce into any provision for the organization of the community that it would be possible to frame. Supposing, for example, that triennial Parliaments were adopted; where would be the security, that, if the people found a set of men pursuing measures peculiarly gratifying to themselves, the Parliament would not perpetuate its own power and existence; and as the Parliament, acting in its judicial capacity, necessarily involves a legislative power, where is the security against oppression? The infliction of the most arbitrary punishments—the grossest violation of civil right—is legalized and rendered law by the act which inflicts it, or effects it. No man saw this more clearly than Cromwell.—‘’Tis true,’ says he, ‘this will be said, that there was a remedy to put an end to this perpetual Parliament, endeavoured by having a future representative * * * * *

‘What was this remedy? It was a seeming willingness to have successive Parliaments. What was that succession? It was, that when one Parliament had left their seats, another was to sit down immediately in the room thereof, without any caution to avoid that which was the danger, viz., the perpetuating of the same parliaments; which is a sore that will be ever running. So long as men are ambitious and troublesome, if a clear remedy be not found.’ * * *

It is a natural propensity of human nature to suppose, that that which is the most symmetrical and methodical must be also the most perfect ; but it does not follow that a specific result, very nicely adjusted to the influence of the relative interests of the community, will be benefited by the promotion of such regularity. Cornwall has many boroughs in proportion to its size and population, and its share of the national burdens.—Scotland has few.—Some of the large towns have no representative,—some of the small ones have two,—and the rotten boroughs are under the influence of the great families. But the result of all this is to return to the House of Commons a body, possessing, in a surprising degree, all the requisites for the discharge of the legislative functions of the state. If perfection depends upon system, it would be more methodical, no doubt, to fix the representation according to some established proportion ; to give a greater number of members to Scotland and fewer to Cornwall, for instance ; and to apportion the number of representatives to the several towns, according to some scale determined by the population. It would be more

‘ That Parliaments should not make themselves perpetual, is a fundamental. Of what assurance is a law to prevent so great an evil, if it lie on one or the same legislature to unlaw it again ? Is this like to be lasting ? It will be a rope of sand ; it will give no security ; for the same men may unbuild what they have built.’ * * * * *

‘ So, then, what was the business ? it was a conversion from a Parliament that should have been, to a legislative power always sitting : and so the liberties, and interests, and lives of people, not judged by any certain known laws and power, but by an arbitrary power, which is incident and necessary to Parliaments ; by an arbitrary power, I say, to make men’s estates liable to confiscation and their persons to imprisonment.’ * * * * * ‘ I have declined—declined very much, to open those things to you ; yet having proceeded thus far, I must tell you, that poor men under this arbitrary power were driven like flocks of sheep by forty in a morning, to the confiscation of goods and estates, without any man being able to give a reason that two of them had deserved to forfeit a shilling.’—*Extracts from Cromwell’s Speech to his Second Parliament, A.D. 1654.*

methodical still, to divide the kingdom into arrondissements, in the compound ratio of the square mile and population. But when all this was done, where would be the security that it would embody in the legislative council all the sources of real power in the state so effectually as is done at present? There is no doubt that such representations form a very plausible argument with the multitude, who judge always by appearances; but the thinking part of the community will do well to consider how far a mere imposing regularity is likely to adapt itself to those various interests in the nation to which the present system has, in the long course of years, adjusted itself. ‘The Dukes of Bedford, Northumberland, and Devonshire, and Earls Fitzwilliam and Lonsdale for instance, may not be poor or inconsiderable persons, even if Parliamentary Reform is carried to an extent to deprive them of all their boroughs;’ but their political consequence will be gone. Their influence on the affairs of the community will be greatly diminished; the power which they now lend indirectly to that assembly which at present embodies, and ought to embody, the whole power of the state, will be withdrawn, and in great part extinguished; and the vinculum, if I may so express myself, which by such means connects and harmonizes the action of the two houses of the legislature, will be altogether dissolved. ‘The rich,’ saith the Scripture, ‘ruleth over the poor;’ so it has been, and so by the nature of man it always must be; and if a weight in the legislature is not allowed to property in a degree as great as at present, the constitution will be totally unhinged.

These views of reducing the representation to some established scale or ratio determined by local popula-

tion, by local property*, or by the local amount of taxation, or by some proportion compounded of them, have been suggested by the unfounded notion, that the various interests which compose the national interest will in this manner also be the most easily collected and most fairly assigned. But the interests which compose the national interest follow no such rules. These interests are neither local nor proportioned to local population, nor determinable by the distribution of local wealth, or the apportionment of the public burdens. Many of the most important interests in the kingdom,—the monied interest—the commercial interest—the manufacturing interest—the shipping interest—the East and West India interests

* In the absence of all statement as to the views by which the proposed measures of reform are to be directed, it is impossible to anticipate objections to them. With respect to one principle which was recommended in one of the public prints, that of confining the right to vote to those who had some property and stake in the country, and excluding altogether those who had none,—that is the cottager and the operative manufacturers or artisans, who subsist by their daily labour, I beg to observe the extreme injustice and impolicy of such an arrangement. This class of the community have more need of a representation, and a better right to it, than any other. ‘The king himself is fed from the field.’^(a) It is by their means that all other property is rendered productive. They are incapable of representing themselves. The representatives of the nation are drawn from the upper and middling classes of life, and consequently are themselves a part of the interest of these classes, in whatever capacity they may sit—but the lower orders can never identify themselves in this manner with the legislature—and it is therefore especially necessary that they should have the means provided for them of exerting some influence in election. On them, besides, all the fluctuations in the state of society fall with peculiar force. Nor let it be said that such a view of the matter is at variance with the preceding doctrines. It is one thing to take the directing influence from the upper and enlightened classes, and another to say to the humble, that their wants and wishes shall not have a fair hearing. To prevent misconception, I beg to remark, that it will never do to give any effect in this country to a classification of the community into ranks or orders, and to give an expression in the legislature to any specific order. If by the principles on which the representative system is at present composed, an adequate representation is not afforded for all the various orders and interests of society, it comes so near it, that it will be difficult to adjust them so well by any positive estimate and artificial contrivance for giving them a more exact relative effect.

(a) Proverbs.

—and many others, are incapable of division into aliquot parts—admit of no relative estimate whatever, and can only find their level in the representation by a system which shall leave the competition in some degree open to their respective wants, and to the efforts which they think it worth their while respectively to make to obtain the object. Even the landed interest, which appears to be the most uniform and homogeneous (if I may so apply the term), cannot be estimated by these scales. The interest is of course the interest of those whose capital and labour are engaged in this branch of the national industry; and these are not proportioned to any local circumstances, or confined to any particular spot. Many of the great proprietors have lands in all the three kingdoms. Very many of them have possessions widely dispersed, and the landed interest is by no means even everywhere the same in kind. The facility of transport has given an effect to the local peculiarities of climate, and of soil, and of situation, and produced a sort of division of labour in this occupation, determined by the purposes to which it can be most advantageously applied. The agricultural interests of a sheep-farming country are not the same with those of a corn district; and the interests of the black-cattle countries are different from both. The landed interest, of whatever kind, again, connects itself with many other interests: the sheep-farming interest with the woollen trade, with the neighbourhood of towns, and the state of their prosperity, which determines the demand for animal food; and the corn trade interest with the general commercial prosperity of the whole kingdom, which determines the money rate of prices. If the relative parts of the general agricultural interest, therefore, cannot be appreciated by any local criterion, much less can its reference generally, or the reference of its parts to the

other interests of the nation, be collected by any such systematical arrangement. Besides all this, were it possible at any one moment to ascertain them accurately, the comparative importance of all these interests is in a state of complete fluctuation,—many of them have arisen entirely of late years,—many of them will decline,—some of them will die away, and new ones will arise, by variations in the state and avocations of the community that cannot be provided for by any system, and which can only operate effectually on the government by a state of things like the present, where the insignificance of some of the local interests to which a representation is attached, leaves in a sufficient number of cases an opportunity for its transfer, not according to any particular purpose, or according to any permanent rule, but according to the exigencies of those fluctuating and indeterminate interests which are left to produce their own impression on the elective system.

I do not say, and have never said, that the constitution of the elective bodies in the boroughs might not be amended; but these abuses ought to be eradicated one by one*, and not made the subject of a sweeping

* This is the more necessary, because, if it is intended to constitute an elective body on any reasonable principle, its formation must be very different in different places and situations. In such a town as Edinburgh, for example, where there are a great variety of numerous and well-defined classes among its citizens, whose interests are perfectly distinct, although *locally* the same (the Scotch Bar—the Writers to the Signet—the University—the members of the various branches of general instruction to which it has given rise—the merchants—the artisans, and the holders of the large property sunk in building, &c.) ought to have an elective body, composed in a very different way from such a town as Liverpool, where there is a shipping interest, a foreign trade, and various mercantile interests; and that again, from such towns as Manchester, and Birmingham, and Leeds, and these from such a town as Bath or Brighton, which are chiefly supported by the income of occasional visitors from the upper and middling classes of life. In order, therefore, to make the elective body either a fair instrument of election for a representation of the local interests, or to connect the representation at all (when the representations are to be fixed and determined in this way) with the great general interests of the nation, it will be necessary to make very minute and accurate inquiries as to the constitution of

measure, producing a violent revolution, in the representative system all at once, and in which there will be no power of observing the effects of change, and modifying the progress of the process according to its action.

What I remonstrate against, is any change which shall have the effect of rendering the legislature more under the control of the lower classes—of disturbing the independence of its deliberative function,—of insulating it more from the aristocratical influence of the country,—and of diminishing the sources of its virtual authority with the community. In whatever degree the legislature is deficient in the weight necessary to insure the submission of the nation, in that degree must the deficiency be supplied by the employment of an ostensible coercing force, infinitely more oppressive and odious in its operation*.

During the time when, under the Commonwealth, society in each town, and the manner in which its local interests connect themselves with the general interest.

* The forms of the ancient republics were all of them more or less artificial, and contrived by professed legislators, and may in reality be considered so many experiments on government, and present an immense store of the most valuable facts with respect to the operation of its principles. There is hardly a writer who has had occasion to treat, either historically or speculatively on the subject, who does not notice the evils experienced from the want of a natural governing power in the legislative council. ‘Postquam mihi ætas ingeniumque adolevit, haud ferme armis atque equis, corpus exercui, sed animum in literis agitavi; quod natura firmius erat, id in laboribus habui. Atque ego in ea vita multa legendo, atque audiendo ita comperi, omnia regna, civitates, nationes usque eo prosperum imperium habuisse, dum apud eos vera consilia valuerunt: ubi, cumque gratia, timor, voluptas, ea corrumpere; post paullo imminutæ opes, deinde ademptum imperium, postremo servitus imposita est. Equidem ego sic apud animum meum statuo; cuicumque in sua civitate, amplior illustriorque locus quam alii est, ei magnam curam esse Reipublicæ. Nam ceteris salva urbe, tantummodo libertas tuta est: qui per virtutem sibi divitias, decus, honorem pepererunt; ubi paullo inclinata republica agitari cæpit; multipliciter animus curis, atque et laboribus fatigatur; aut gloriam, aut libertatem, aut rem familiarem, defensat; omnibus locis adest, festinat: quanto in secundis rebus florentior fuit, tanto in adversis asperius, magisque anxie agitatur. Igitur ubi plebes, senatui, sicuti corpus animo, obedit ejusque consilia exsequitur, patres consilio valere decet populo supervacanea est calliditas.’—C. C. Sallustii Orat. ad C. Cæsarem de Republ. Ordinanda.

the several parts of the government were completely dislocated, the constant appeals to the army, and the frequent application of a military force, were in a great measure the result of the total inability of the governing power to enforce its own measures, or to give them effect with the nation. In order to understand the real manner in which the representative system has been adapted, or has adapted itself to the circumstances of the nation, it may not be useless to attend a little to its history. In the twenty-third year of Edward the First, in which reign a specific representation of the *commonalty*, by members from towns and boroughs *, is first certainly indicated in the constitution†, one hundred and six places, being cities

* The borough or *burh*, it appears from the laws of Ina, was originally a town or village, with the district included in its jurisdiction. These appear to have belonged to the king—to the archbishops, bishops, ealdormen, king's thegns, or twelf-hynd men, and six-hynd men. A species of possession distinguished from the *close* of a ceorl or twyhynd man. The term *Twelf-hynd*, *Six-hynd*, &c. alludes to the penalty or composition-money payable by each class of individuals respectively for a breach of the peace.—Mr. Allen, p. 39.

† How the commonalty were represented, or whether represented at all, in the ancient Saxon Witenagemot, Michel-Gemote, Michel-Synoth, or Magnum Consilium of the kingdom, are questions which are much disputed. The extreme anxiety of the people, after the Conquest, for the revival of the laws of Edward the Confessor (which appear to have been a digest of the laws of Alfred, of the laws of the ancient kingdom of Mercia, and of the Danish laws, which had found footing in the kingdom), may not improbably be supposed to have arisen in some degree from a desire for the revival of a representation of the people. According to the old Chronicle of Litchfield (which is, however, unconfirmed by any other authority), William the First, in the fourth year of his reign, ‘*Apud Londonias consilio Baronum suorum fecit summonire per universos Angliæ comitatus omnes nobiles, sapientes et sua lege eruditos, ut eorum leges et consuetudines audiret.*’ The King, it is stated, had previously been prepossessed in favour of the laws Norfolkæ, Suffolkæ, Grantbrigæ, et Deiræ, where formerly the Danes and Norwegians had been chiefly settled, because he himself and almost all the Norman barons were of Norwegian extraction; after this meeting ‘*Ad preces communitalis Angliæ rex adquevit; qui deprecati sunt quatenus permitteret sibi leges proprias et consuetudines antiquos habere in quibus vixerant patres eorum et ipsi in eis nati et nutriti sunt, scilicet leges Sancti Edwardi Confessoris,*’ &c. (a) It cannot be supposed that the

(a) The laws themselves are entitled, ‘*Ces sont les leis et les custumes que li Reis William grantut a tut le peuple de Engleterre. Ice les meismes que le Reis Edward sun cosin tint devant lui.*’

and towns, which either held of the crown in fee farm, or were part of the royal demesnes, were sum-

Norman kings, who reduced the nation to slavery, were the institutors of the representation of the Commons. The Magna Charta (17 John, A.D. 1215) is made 'per Regem, Barones et liberos homines totius regni.' In the charter it is stipulated, that 'the king shall summon all archbishops, bishops, abbots, (a) earls, and great barons, *personally*, and all other tenants in chief under the crown, by the Sheriffs and Bailiffs, to meet at a certain place, within forty days' notice, to assess aids and scutages when necessary;' and it confirmed the liberties of the city of London, and all other cities, boroughs, towns, and ports of the kingdom. There are writs extant of the forty-ninth of Henry the Third, A. D. 1266, to summon knights, citizens, and burgesses to Parliament. From the account given of the manner in which the laws of Ina, king of the West Saxons, were enacted (about the year 720), and other later Saxon kings, there is no reason to think that the commons were excluded. 'Ego Ina, Dei gratia West Saxonum Rex, exhortatione et doctrina Conredis patris mei, et Hedde Episcopi mei, et omnium aldermannorum meorum et seniorum sapientium regni mei multaue congregatione servorum Dei,' &c. The laws of Athelstane, enacted about the year 930, conclude: 'Totum hoc institutum est et confirmatum in magno synodo apud Greatleyam, cui archiepiscopus Wulfius inter fuit et omnes optimates et sapientes quos Adelstanus rex potuit congregare.' The Laws of Eadgar, A. D. 959-975: 'Hoc est institutum quod Eadgarus cum sapientum suorum consilio instituit in gloriam Dei, in dignitatem regiam et in utilitatem omni populo suo.' The laws of Æthelred, about the year 1000, state, 'Hoc est consilium quod Æthelredus Rex et sapientes sui condixerunt,' &c. * * * * 'Secundum leges Angliæ.'

'Hæ sunt leges quas Æthelredus Rex et sapientes sui constituerunt.' 'Hæc sunt verba pacis et prolocutiones, quas Æthelredus Rex et omnes sapientes ejus cum exercitu firmaverunt.' 'Hæc est constitutio quam Rex Anglorum et tam ordinibus consecrati quam laici sapientes eligerunt et constituerunt,' &c. *Councilum Ænhamansæ*—A. D. 1013: 'Hæc sunt constitutiones quas Angli consilarii elegerunt et edixerunt ac instanter docuerunt ut observarentur.' In this assembly the exhortations (consilia) of the bishops appear to be distinguished from the decrees (decreta) of the senators or sapientes.

Although, therefore, it were admitted that 'the whole kingdom was then entirely either in the hands of the king, or of his earls and thanes, and that all that held lands under them held them in such subjection and dependence, as that they were wholly at their lord's disposal; so that what was then ordained by the king, his earls, and thanes, was a binding law to the whole kingdom; for that it was the act of those that had the absolute interest, and did involve the right of the residue of such as were but their liegemen and vassals,' (*Spelman*;) yet this is descriptive merely as to the constitution of the

(a) The same respect for the wisdom of the fair sex, which Tacitus notices in the ancient Germans, appears to have prevailed in the Saxon Witenagemot. The laws of Wightred, king of Kent, made at a Witenagemot, held at Berkhamstead, are signed, among others, by the abbots and *abbesses*. Five of the latter signed the decrees of the great council held by the same king at Beconceld, A. D. 694; and it is asserted, that 'the ladies of birth and quality sat in council with the Saxon witas.'—'Inesse quietiam,' says Tacitus, 'sanctum aliquid, et providum putant: nec aut consilia earum aspernantur, aut responsa negligunt.'

moned to send representatives to parliament, in order to fix and to agree for the talliares to be paid by them-

representation of the *landed interest*; and the whole question is as to the *cities, towns, and boroughs*, by which the third estate have always obtained their representation; and, on the whole, (as a probable conjecture is all that can be obtained on this obscure subject,) it may seem reasonable to think, from the encouragement given to commerce so early as the reign of Alfred, that merchants were consulted among the *aldermanni* and *sapientes seniorum* of the kingdom. (a) The identity of terms is something in a point of this description; and in the tithings or townships into which Alfred divided the kingdom, which included every place in which 'ten freeholders resided with their families,' we find the origin both of the word *Freeholder* and of the word *Borough*, and of the word *Alderman*. The Tithing-man, or chief man of the town, having been denominated 'the headborough, and in some 'countries the borsholder, or *borough's elder*, being supposed,' says Blackstone, 'the discreetest man in the borough, town, or tithing.' (b) The writs of the eleventh of Edward the First, which are the first extant, addressed to towns, excepting those of Henry the Third, run thus: 'Vobis mandamus quod duos de '*sapientioribus* et aptioribus civibus prædictæ civitatis elegi faciatis et ad nos 'mittetis.' The feudal system, which the Norman conquest introduced from the Continent, had been extremely destructive to the liberties of the commonalty. By the laws of the different Gothic nations, it appears that there was a multitude of freemen, both Romans and Goths, who were not nobles, (c) who are

(a) In the *Judicia Civitatis Landoniæ* (in the time of Athelstane,) jussu et auctoritate Regis composita et approbata, it is stated, 'Fuit quondam in 'Legibus Anglorum ea gens, et lex pro honoribus, et ibi erant *sapientes* populi 'honore digni, quilibet pro sua ratione: comes et colonus, Thanus et rusticus.' * * * Et si *mercator* tamen sit, qui ter trans altum mare per facultates proprias aleat, ille postea jure Thani sit dignus. In these laws the valuation money of a noble is distinguished from that of a bishop or senator.—æstimatio capitis Nobilis est xv. mille thrymsæ—Episcopi, et Senatoris viii. mille thrymsæ.

From a law of Athelstane providing for the punishment of those who did not comply with the summons to attend the council, it appears, that if a counsellor did so three times, he was to compound for the contumacy to the king. If, after this, he still refused and did not compound for his contumacy, 'tunc iter faciant '*seniores omnes qui ad hoc oppidum pertinent*, et adimant omne quod habet, 'et eum pignoris loco collocent.'—*Wilkins*, p. 60. From the *Judicia Civitatis Landoniæ*, it would appear that the king *nominated* the counsellors, 'Uti 'Athelstanus Rex constituerat et sapientes ejus primo ad Greatleyam et deinde 'ad Exoniam, et postea ad Fæfresham, et quarto demum ad Thumesfeldam coram 'archiepiscopo, et omnibus suis, quos rex ipse nominabat.'—*Ib.* p. 69.

(b) The same name does not always, indeed, at different periods even of the history of the same people, by any means denote the same thing; but the permanence in the application of the same appellations to *similar* distinctions in the constitution of society in question is not a little remarkable; both the term *hundreds*, for the divisions into which Alfred distributed the kingdom (which comprehended the tithings,) and the principles of popular government, which form the basis of a free monarchy, are, as Blackstone has noticed, distinctly to be traced in the rude ages of the ancient Germans. '*Centeni* ex singulis pagis sunt idque ipsum inter suos vocantur; et quod primo numerus fuit, jam nomen et honor est.'—(*Tac. de Morib. German.*)—De minoribus rebus principes consultant, de majoribus omnes.'—*Id.* The centeni, however, although a territorial distribution, was a military designation.

(c) I find in the laws of the Gothic nations (*Codex Legum Antiquarum*

selves, and other places of the like tenure, which talliages had previously been determined, either by the privy council or the itinerant judges. Of these one hundred and six returning places, fifty-five were cities or chief towns of counties, which have been summoned ever since; the other fifty-one were small inconsiderable towns, parcels of the royal demesnes, from which there was no regular consecutive representation,—the demesne boroughs, to which summonses were sent, having been frequently shifted, in order to divide the burden of the charges of their representatives, which they were obliged to bear. In the last parliament held this reign, writs were issued to the sheriffs of every county to send, besides the two knights of their shires, for every city, two citizens,

distinguished both from the servi or serfs, and the nobles. ‘Dans le commencement de la première race,’ says Montesquieu, ‘on voit un nombre infini d’hommes libres, soit parmi les Francs soit parmi les Romains; mais le nombre des serfs augmenta tellement, qu’au commencement de la troisième, tous les laboureurs et presque tous les habitans des villes se trouvèrent serfs.’

I have thought it worth while to bring these facts together as matter of curiosity; but I must beg to observe, that, in deciding a question as to expediency in legislation, a precedent as to mere usage is of no value whatever. It is only in so far as a precedent constitutes an instructive fact as to consequences which have resulted from it, that it can afford useful lights in prospective legislation. In so far as the constitution of parliament now existing is concerned, its history must be dated from the return to it of the citizens and burgesses; and it appears that since it acquired this character, the small and dependent boroughs have constituted a part of the elective body, and consequently that a House of Commons destitute of this element is, with the exception of the two last parliaments of Cromwell, an experiment as yet to try.

Lindenborgii), the following discriminations of persons noticed in the laity: Nobiles; ingenui; ingenui humiliores; liberi homines (applicable apparently to all persons neither noble nor in a state of servitude), liberi homines, or homines ingenui in obsequio alterius or qui justis legibus deserviunt; manumissi, of various kinds; liti, litones, or aldiones (thralls); and servi (serfs). All these distinctions are not to be met with in the laws of any one people; but though not mentioned, there is no reason to think that they did not exist. The state of society was so uniform, and the causes which influenced it so much the same, that it may reasonably be supposed that similar conditions of people arose generally. Thus it appears that the Liti or Litones, known in the *Leges Longobardorum* as Aldiæ or Aldiones (who were *thralls* who subjected themselves and their posterity to servitude, but who might redeem themselves at a fixed price) originated among the Saxons, ‘Litones in provincia Saxonum sunt exorti.’—

and for every borough, two burgesses; many of which latter were doubtless demesne boroughs of the crown, or of powerful families*. As these cities or boroughs fell into decay, or felt it troublesome to pay their burgesses' allowances, they either obtained a licence from the crown to be discharged from the duty of election, or contrived by degrees to discontinue it.

On some intermediate occasions, circumstances attached a temporary importance to these demesne boroughs, and a political use was made of them to obtain a majority in the House of Commons†—but it

* Although the demesne boroughs were summoned to send representatives to Parliament to *rate* the talliage which they were to pay, the right to that talliage seems to have been considered as belonging to the king, as their feudal superior. 'In the thirty-second year of his reign, the king being in Scotland, commissioners were appointed to tax cities, boroughs, and his demesnes in cities and boroughs, either capitation, by poll, or in common, as it might turn most to his advantage. And in the parliament which was held next year, the archbishops, bishops, prelates, earls, barons, and other *tenants* of his demesnes, petitioned that they might have leave to talliate their tenants of the same demesnes as he had talliated them, and it was granted.'

† According to Mr. Borlase (Nat. Hist. of Cornwall. Oxford, 1758, p. 309), the great value which the demesne lands ('a link formerly of much stricter union and higher command than at present,') derived in that duchy from the mines, was one great cause of the number of boroughs which it possesses, and the occasion of their creation may serve to indicate the motive. Originally, in the reign of Edward the First, it possessed only five, each returning two members—Launceston, Liskeard, Truro, Bodmin, and Hilston. In the latter end of the reign of Edward the Sixth, the Duke of Northumberland, in order to obtain a majority in the House of Commons (a), according to this authority, added six boroughs more depending on the crown—and one under the influence of a powerful family—which together sent fourteen members to the House of Commons. These were Saltash, Camelford, West Looe, Grampound,

(a) It appears from other authorities, that 'The minister made it his business all that summer to gain friends all over England, in order to have another parliament the next year more fit for his purpose.'

In the king's letter to the Sheriffs, it is stated, 'that since some part of the proceedings herein shall rest on them by virtue of their office,' they were commanded 'to give notice as well to the freeholders of their counties as to the citizens and burgesses of any city or borough which shall have any *writs by our directions for the election of citizens or burgesses*,' that they choose as high as possibly may be fit persons. Moreover, they were enjoined, that 'wherever the privy council, or any of them within their jurisdictions, should recommend men of learning and wisdom, in such case their directions be regarded and followed.' Besides all this, by separate letters, the king himself recommended a number of particular persons by name, to the High Sheriffs, to be elected knights. It is probable, therefore, that the increase of the demesne boroughs was not on this occasion confined to Cornwall.

was not till the reign of Elizabeth, when the third estate of the kingdom had grown considerable, and was rapidly acquiring additional consequence, that they and the decayed boroughs, which had dropped the usage, began to exert a steady influence on the constitution. It was not long, then, before it was discovered, that these demesne and decayed boroughs (many of which were inconsiderable villages) had in ancient times received summonses, and on this ground it was pretended that they were boroughs by prescription. In this manner the Earl of Leicester's town of Andover, and near thirty others, in which the great men about court had an influence, reassumed the privilege. By the revival of similar rights by others, the House of Commons was in this reign increased by sixty members; and in the succeeding reigns, the House of Commons themselves made use of the same expedient to increase their numbers, as different parties sought to acquire an accession of strength.

Oliver Cromwell, who was a reformer in his way, and apparently a pretty bold speculator on the theory of government,—in his two last parliaments, issued no writs to those smaller boroughs, confining the right of election entirely to the large towns; and, to make up the deficiency of members, increased the number of knights of shires in proportion to the assessments paid by each county to the public revenue. By these means a sufficiently effective House of Commons was got together in point of influence; but, being

Tindagel, Michel, and Newport. In the short reign of Mary, probably to answer similar purposes, Penryn and St. Ives acquired a similar privilege; and in the reign of Elizabeth, when (as I have observed in the text) the importance of this element in the constitution of government began to be decidedly felt, St. Germain's, St. Mawes, East Looe, Fowey, and Callington were included.

From a remarkable writ for assembling a parliament in the fourth of Edward the Third, it would appear that the packing of these assemblies had not been altogether unknown in these early times.

altogether unbalanced by a representation of the natural aristocracy of the country, and untempered by any admixture of the general interests of the nation, it was found liable to two great defects. It was totally unmanageable as an element of government; and nothing but the power of the sword, which Cromwell kept fast in his own hands, prevented it from usurping, as the Long Parliament had done, the whole power of the state. The consequences of these attempts at the formation of a legislative body are sufficiently described by other writers. 'This popular and equitable scheme,' says one, 'had filled the House of Commons with so great a number of independent gentlemen of the best families and estates in the kingdom, that he had no way to manage them but by excluding, either by force or by fraud, those who were the true friends of the constitution.'

His first parliament is out of the question; for in that he absolutely nominated, by his own warrant, all those of whom it was composed. 'From his second he excluded, by an armed force, every man, though elected by the people, that would not subscribe an engagement to support his lawless authority; and as to the third, after using all the basest and most unjustifiable means possible to influence elections, he denied entrance into the house to near one hundred members, on pretence of their not being approved by his council.'

Neither the abilities, nor the great name, nor the vast personal influence, both religious* and military,

* The importance in the government of the great religious ascendancy which Oliver had acquired by a lifetime of enthusiasm and hypocrisy (during which he seems to have been at times nearly as much his own dupe as the nation) may be best seen from the consequences which resulted from the loss of it. In one of the meetings which his son, when Protector, held with the officers, he asked an inferior officer, who had publicly murmured at the advancement of some that had been cavaliers, whether he would have him prefer none but the godly? 'and here,' continued he, 'is Dick Ingoldsby, who

which Cromwell possessed, descended to his son; and he was too feeble, both in character and substantial power, to rule by the expedients that had previously been successful. He accordingly called his parliament according to the ancient model; but the small boroughs were no longer under the influence of the aristocratical influence of the kingdom, and were prevented from affording an opening to the other independent interests by the authority of the army and the creatures of government.* Being, therefore, entirely free from the monarchical and aristocratical principles which properly form a part of the constitution, it was presently split into two parties,—the one consisting of republicans, and the other of the tools and adherents of the new protector; and was nearly of as little real authority with the nation as the most contemptible of its predecessors.

From this hasty sketch, it must be evident that these small boroughs have formed part of the constitution of Parliament from its very commencement; that they supplied the means by which, on the rise of the third estate, the aristocracy and former governing power of the nation connected itself with the new popular interest; and that the Parliament, when freed by Cromwell from the members of these small and dependent boroughs, concentrated the power of the *commonalty* of the kingdom, and could only be kept under by the executive power,—by the application of the coercing

‘can neither preach nor pray, and yet I will trust him before you all.’—
 ‘Those imprudent and irreligious words,’ says Ludlow, ‘so clearly discovering the frame and temper of his mind, were soon published in the army and city of London, to his great prejudice; and from this time all men among them who made but the least pretences to religion and sobriety, began to think themselves unsafe while he governed, and formed a resolution to use their utmost endeavours to divide the military from the civil power.’

* This will sufficiently appear by inspecting the list of the house. It contained likewise the members for Scotland and Ireland, who were the mere tools of the government.

force of the army, which had so often been exerted to support with the people the measures of the less authoritative assemblies, which had been employed to frame or to sanction the legislative acts of the nation.

It is to be observed that, in the beginning of parliaments, the landed and borough interests were kept perfectly distinct. The representatives of cities and towns had no suffrage in the taxation of the gentlemen and freeholders of counties, which was settled by the knights of shires alone, assembled apart, the members for the boroughs rating only their own talliages. When these interests came to be combined, and the form of the constitution of the house matured, the landed interest was represented by the 92 county members, the deputies of the cities and large towns amounted to about 100, and the members for the small boroughs to 300. Even at this period, however, it is absurd to say that these 300 members represented the interests of the boroughs for which they sat, or the local interests with which they connected themselves*. They were, in fact, in a great measure, as they have always since been,—an open or indeterminate repre-

* This is essentially the nature of our representation ; the different distinctions in the elective body being merely intended to provide different avenues by which individuals of different descriptions and interests may find an inlet to the House. In this manner, when Edward the First summoned fifty-five cities or towns, and fifty-one demesne boroughs, to send members to parliament, these members were to represent these interests throughout the whole kingdom, and to agree not only for themselves, *but for others of the like tenure*, upon the rate of talliages due from them. ‘Every member,’ says Blackstone, ‘though chosen by one particular district, when elected and duly returned, serves for the whole realm ; for the end of his coming there is not particular, but general—not barely to advantage his constituents, but the *common* wealth ; to advise his Majesty, as appears by the writ of summons, *de communi consilio super negotiis quibusdam arduis et urgentibus, regem statum, et defensionem regni Angliæ et Ecclesiæ Anglicanæ concernentibus.*’ It is evident, from the above ancient authorities which have been quoted, as well as from the character of the institution itself, that this must have been in all times the situation of a member of the Commune Consilium, Magnum Consilium, Placitum Generale, &c. &c., of the nation.

sentation,—at that time greatly under the influence of the crown, and of the powerful feudal families. The immediate and personal influence of the crown has since sunk to nothing, and the influence of the great families has become so qualified by the rise of multifarious other interests which find the means of representation through this channel, that, although it has always formed an essential and useful part of the constitution of Parliament, the objections which existed to it have been in a great measure removed, while its benefits have as sensibly increased.

If, then, my Lord, this very rash and unnecessary measure is to be attempted in these distempered times, let me entreat you to look at those circumstances which really form the virtual, and essential, and operative parts of a constitution of government which has been productive of a degree of national happiness and prosperity unexampled in the history of the world, and not at the speculative generalizations of theoretical writers, as the great objects to be observed in the changes which it is destined to undergo,—at the degree to which the Lower House of legislature has necessarily become the governing principle of the state,—at the importance of insuring to the natural aristocracy of the country some means of obtaining a representation among the individuals of which it is composed,—at the importance of allowing it to receive a fair accession of members from the different interests which now constitute, or may at any time constitute, the national interest,—and of keeping it free from the authority of the people, which will in a vast multitude of cases be at the disposal of any state quack or political necromancer who pretends to perform wonders, and who has popular talents sufficient to work either upon their credulity, or to inflame their passions. ‘*Quid? Cum quæritur, qui*

‘sit optimus reipublicæ status, quæ leges, qui mores
 ‘aut utiles aut inutiles, haruspicesne arcessentur, an
 ‘principes statuent et delecti viri, periti rerum civi-
 ‘lium——*?’

I have offered you, my Lord, my humble opinion on a subject of paramount importance to the community, on which I happen to have thought much; and most earnestly do I hope that it may be the means of averting from the country the calamities with which it appears to be threatened. I have endeavoured to show that the progress of society, and the improvement of government, depend on great general causes, and that the wisdom of legislation consists in gradually rectifying the evils which a community actually experience; and I can see no class of men suffering in the state, nor no impediment to the public business arising from the want of parliamentary reform, or the incompetence of the legislature. If the composition of the House of Commons is materially altered, the constitution is at an end; its aristocratical and monarchical principles will receive an irreparable injury, and the state of society will not admit of our existing as a republic. ‘Nam sic habetote, magistratibus, ‘iisque, qui præsent, contineri rempublicam, et ex ‘eorum compositione, quod cujusque reipublicæ genus sit intelligi. Quæ res cum sapientissime moderatissimeque constituta esset a majoribus nostris, ‘nihil habui, sane non multum, quod putarem novandum in legibus†.’

* Cicero.

† Cicero.

CATRINE, *October*, 1830.

